

CHAPTER 7

Pilotage

SECTIONS

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Editor's note: The former provisions of chapters 1 to 12 of this title were repealed in their entirety by PL 10-76 § 1 and replaced by the provisions of PL 10-76, the "National Maritime Act, 1997" codified at chapters 1 to 13 of this title. PL 10-76 took effect April 1, 1998.

§ 701. State Port Authority is pilotage authority.

The Port Authority of each of the states shall be the pilotage authority for that state, responsible for the provision

of pilotage services within that state, and except as otherwise provided herein, shall regulate all pilotage services.

Source: PL 10-76 § 145.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 702. Pilotage areas.

The Secretary may by regulation declare an area within or adjacent to a port to be a pilotage area.

Source: PL 10-76 § 146.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 703. Compulsory pilotage areas.

(1) The pilotage authority may determine that pilotage is compulsory in the whole or in a specified part of its pilotage area(s).

(2) The Secretary shall by regulation declare and define compulsory pilotage areas as determined in subsection (1) of this section.

Source: PL 10-76 § 147, modified.

§ 704. Pilotage services.

(1) The Port Authority shall, where pilotage is compulsory, and may, where pilotage is not compulsory, provide pilotage services.

(2) Each Port Authority shall ensure an adequate number of Authorized Pilots, pilot boats with safety equipment, and trained boatmen at its ports to ensure the timely and safe delivery and recovery of pilots to and from vessels subject to pilotage.

(3) Each Port Authority shall ensure that an Authorized Pilot is available when a vessel subject to pilotage requires a pilot.

Source: PL 10-76 § 148.

§ 705. Vessels required to take Authorized Pilots on board.

(1) Before a vessel enters, leaves, or moves through a compulsory pilotage area, the master of the vessel shall take on board an Authorized Pilot.

(2) The Secretary may by regulation, in consultation with the Port Authority of each state, exempt any vessel from the requirements of subsection (1) of this section.

(3) A vessel piloted by a holder of a Pilotage Exemption Certificate valid for that vessel and pilotage area, shall be exempt from the requirements of subsection (1) of this section.

(4) Where there is a special risk or danger within a pilotage area, the Port Authority may require the master of the vessel, including vessels exempted under subsections (2) and (3) of this section, to take an Authorized Pilot on board.

(5) Any vessel required to take an Authorized Pilot on board which does not do so shall be liable to pay the same fee as if a pilot had been taken.

(6) Any vessel required to take an Authorized Pilot which does not do so on a second occasion shall be required to pay twice the fee, and on the third occasion, triple the fee, and in ensuing occasions the standard fee multiplied by the number of occasions it has not taken an Authorized Pilot.

Source: PL 10-76 § 149.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 706. Authorized pilot not required in certain circumstances.

Where a vessel or a person on board is in grave danger, and it is necessary in the circumstances that the vessel be immediately brought into, moved within, or taken out of a compulsory pilotage area, an Authorized Pilot is not required to be on board the vessel.

Source: PL 10-76 § 150.

§ 707. Pilot Certificates and Pilotage Exemption Certificates.

(1) The Secretary may by regulation, after consultation with the Port Authority, determine the number of Authorized Pilots for each of the ports and the experience required for the issuance of:

(a) a Pilotage Certificate declaring that a person is competent to be an Authorized Pilot for a particular class of vessels within a specified pilotage area; or

(b) a Pilotage Exemption Certificate declaring that a person is competent to pilot a particular vessel or class of vessels within a specified pilotage area.

(2) The Principal Shipping Officer shall issue and renew Pilotage Certificates and Pilotage Exemption Certificates.

(3) The issuance or renewal of Pilotage Certificates and Pilotage Exemption Certificates shall be subject to such conditions as the Principal Shipping Officer endorses on the certificate.

(4) A Pilotage Certificate or Pilotage Exemption Certificate is valid only for the particular vessel or class of vessels within the pilotage area for which it is issued.

Source: PL 10-76 § 151.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 708. Investigations; Pilotage Certificates and Pilotage Exemption Certificates.

(1) The Secretary shall cause an investigation to be conducted where there is reasonable cause to believe that the holder of a Pilotage Certificate or Pilotage Exemption Certificate:

(a) is unfit to discharge his duties;

(b) has been negligent in the discharge of his duties; or

(c) has engaged in misconduct or committed any violation of this title or regulations promulgated thereto.

(2) The Principal Shipping Officer may designate an investigating officer to conduct the investigation.

(3) The investigating officer may:

(a) go on board any vessel relevant to the case;

(b) enter upon any wharf or installation adjacent to a pilotage area;

(c) make any and all inquiries; and

(d) require the production of any relevant documents or certificates.

(4) The investigating officer shall report the results of the investigation to the Principal Shipping Officer within 14 days after the investigation is completed.

Source: PL 10-76 § 152.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

§ 709. Suspension of Pilotage Certificate or Pilotage Exemption Certificate pending investigation.

Where public safety so requires, the Principal Shipping Officer may suspend a Pilotage Certificate or Pilotage Exemption Certificate pending the outcome of an investigation conducted under section 708 of this chapter.

Source: PL 10-76 § 153.

§ 710. Suspension and Revocation of Pilotage Certificate and Pilotage Exemption Certificates.

(1) The Principal Shipping Officer may suspend or revoke a Pilotage Certificate or Pilotage Exemption Certificate where the holder:

- (a) is unfit to discharge his duties;
- (b) has been negligent in the discharge of his duties; or
- (c) has engaged in misconduct or committed any violation of this title or regulations promulgated pursuant thereto.

(2) Proceedings for suspension or revocation of a certificate under subsection (1) of this section shall be conducted in accordance with the procedure set forth in title 17, section 109 of this code.

(3) Where a Pilotage Certificate or Pilotage Exemption Certificate is suspended or revoked, the holder of the Pilotage Certificate or Pilotage Exemption Certificate shall immediately surrender the certificate to the Principal Shipping Officer.

(4) Where a Pilotage Certificate or Pilotage Exemption Certificate is suspended or revoked, the holder may seek judicial review as set forth in section 111 of title 17 of this code, PROVIDED, however, the decision of the hearing officer shall remain in effect until all avenues of appeal have been exhausted.

Source: PL 10-76 § 154.

Cross-reference: The statutory provisions on Administrative Procedures are found in title 17 of this code.

§ 711. Production of authorized pilot identification.

(1) An Authorized Pilot shall produce proper identification issued by the Port Authority or his Pilotage Certificate for inspection when requested by the master of the vessel.

(2) An Authorized Pilot who fails to produce identification as set forth in subsection (1) of this section commits a civil offense and shall be liable to a fine not exceeding \$10,000.

Source: PL 10-76 § 155.

§ 712. Unqualified persons not to act as Authorized Pilot.

A person who is not an Authorized Pilot who holds himself out to be an Authorized Pilot or pilot a vessel for which an Authorized Pilot is requested to be on board commits a national offense, punishable by a fine not exceeding \$500,000 or imprisonment for not more than two years, or both.

Source: PL 10-76 § 157.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

§ 713. Pilot misconduct.

It shall be a national offense, punishable by a fine not exceeding \$500,000 or imprisonment for not more than two years, or both, for a holder of a Pilotage Certificate or a Pilotage Exemption Certificate to intentionally or willfully, or while under the influence of alcohol or drugs, do any act which causes, or is likely to cause, the loss or destruction of or serious damage to a vessel or the death of or serious injury to a person on board a vessel, or fail to do anything required to be done by him or her to preserve a vessel from loss, destruction or serious damage or protect any person on board a vessel from death or serious injury.

Source: PL 10-76 § 157.

§ 714. Port Authority and Authorized Pilot not liable.

The Port Authority and an Authorized Pilot shall not be personally liable in any civil proceeding for any damage or loss suffered as a result of any act done by the Port Authority or the Authorized Pilot or for any failure to do anything required to be done by either while acting within the scope of their duties unless such act or omission arises from intentional or willful misconduct, or from gross negligence.

Source: PL 10-76 § 158.

§ 715. Presence of Authorized Pilot does not diminish responsibility of the master.

- (1) Subject to the authority of the master of a vessel, the duty of an Authorized Pilot is to pilot the vessel in pilotage areas.
- (2) The master of a vessel is not relieved of responsibility for the proper conduct and safe navigation of the

vessel by reason of the vessel being in pilotage charge of an Authorized Pilot.

Source: PL 10-76 § 159.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.

§ 716. Owner and master liable for damage in compulsory pilotage areas.

The owner and the master of a vessel are jointly and severally liable for any loss or damage caused by the vessel in a compulsory pilotage area as a result of any fault in the navigation of the vessel, whether or not an Authorized Pilot was on board the vessel at the time that the loss or damage was caused; PROVIDED, however, that the Port Authority shall be responsible in cases of the Authorized Pilot's intentional or willful misconduct or gross negligence.

Source: PL 10-76 § 160.

§ 717. Government and government officials not liable for loss or damage caused by pilot.

The Government and government officials are not liable for any damage or loss suffered as a result of any act or failure to act by an Authorized Pilot while providing pilotage services to a vessel.

Source: PL 10-76 § 161.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code.

§ 718. Pilotage charges.

(1) The Port Authority shall determine pilotage charges which shall then be published in a schedule set forth in regulations promulgated by the Secretary.

(2) Pilotage charges for a vessel shall be payable by the owner, master or agent of the vessel to the Port Authority or to the Authorized Pilot providing the services, as designated by the Port Authority in the state where the pilotage services are provided.

Source: PL 10-76 § 162.

§ 719. Authorized Pilot not to be taken to sea.

(1) Except in circumstances of unavoidable necessity, an Authorized Pilot shall not be taken to sea or taken beyond the limits of the pilotage area without the pilot's consent.

(2) If an Authorized Pilot is taken to sea in circumstances of unavoidable necessity, the vessel owner and master shall be liable for all expenses of the Authorized Pilot including repatriation, which shall take place at the earliest opportunity.

Source: PL 10-76 § 163.

Cross-reference: The statutory provisions on the President and the Executive are found in title 2 of this code. The statutory provisions on Territory, Economic Zones and Ports of Entry are found in title 18 of this code.