

JAN 28 2026

---

# A BILL FOR AN ACT

RELATING TO PORT PILOTAGE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Chapter 462A, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4       **"§462A- Duties of the director of transportation;**  
5 consultation. The director of transportation, or the director's  
6 designee, shall provide information, data, reports, and other  
7 consultative input to the department of commerce and consumer  
8 affairs, as requested, for the establishment of port pilot  
9 licensure standards, requirements, and criteria under this  
10 chapter. The consultative input shall include, at a minimum,  
11 examinations, the number of pilots necessary to maintain an  
12 efficient pilotage service, pilot fees, and other rules to  
13 ensure safe pilotage in the State's commercial ports."

14 SECTION 2. Section 462A-3, Hawaii Revised Statutes, is  
15 amended to read as follows:

16       **"§462A-3 Powers and duties of the director.** In addition  
17 to any other powers and duties authorized by law, the director  
18 shall:

S.B. NO. 3102

S.B. NO. 3102

1 for full port pilot[~~r~~] or deputy port pilot licenses  
2 are qualified;

3 (4) Enforce this chapter and rules adopted pursuant  
4 thereto;

5 (5) [Suspend,] In consultation with the department of  
6 transportation, suspend, revoke, or deny the issuance  
7 of any license for any cause prescribed by this  
8 chapter, or for any violation of [the] rules[~~r~~]  
9 adopted hereto;

10 (6) Investigate any person for violations of [any  
11 provisions of] this chapter[~~r~~] and rules adopted  
12 thereto;

13 (7) Adopt methods to improve disciplinary and enforcement  
14 programs against violations of this chapter[~~r~~] and  
15 rules adopted hereto; and

16 (8) [Do] In consultation with the department of  
17 transportation, do all things reasonable, necessary,  
18 and expedient to insure proper and safe pilotage and  
19 to facilitate the efficient administration of this  
20 chapter."

21 SECTION 3. Section 462A-3.5, Hawaii Revised Statutes, is  
22 amended to read as follows:

S.B. NO. 3102

1       "~~[f]~~ **§462A-3.5** ~~[f]~~   **Adequate supply of licenses.** (a) The  
2    director, in consultation with the department of transportation,  
3    shall determine the number of pilots necessary to maintain an  
4    efficient pilotage service in accordance with this chapter.

5       (b) ~~[The]~~ In making a recommendation to the director, the  
6    department of transportation, in consultation with users of  
7    pilotage services[, the department of transportation's harbors  
8    division,] and the professional association of port pilots in  
9    the State, shall give primary consideration to the public  
10   interest in ensuring that there is an adequate supply of  
11   qualified pilots to safely and economically meet the  
12   requirements of commerce."

13       SECTION 4. Section 462A-8, Hawaii Revised Statutes, is  
14   amended to read as follows:

15       "**§462A-8 Denial, suspension, or revocation.** In addition  
16   to any other actions authorized by law, the director, in  
17   consultation with the department of transportation, may deny the  
18   issuance of a license to any applicant, and may suspend or  
19   revoke the license of any pilot for any cause authorized by law,  
20   including but not limited to the following:

21       (1) Violation of this chapter or any rule adopted by  
22       the director;

S.B. NO. 3102

- (2) Loss, damage, or injury due to negligent pilotage;
- (3) Habitual use of any substance rendering a pilot unfit to be entrusted with the charge of a vessel;
- (4) Inability to physically or mentally perform the duties of a pilot;
- (5) Failure to maintain active service as a pilot in the State;
- (6) Procurement of a license through fraudulent misrepresentation or deceit;
- (7) Participation in any unfair or deceptive act or practice as prohibited by section 480-2;
- (8) Violation of any law or rule intended to promote marine safety or protect navigational waters;
- (9) Failure to report marine accidents in accordance with the rules of this chapter; or
- (10) Failure to maintain a current and valid federal pilots license issued in accordance with title 46[7] United States Code[7] chapter 71."

19 SECTION 5. Section 462A-11, Hawaii Revised Statutes, is  
20 amended to read as follows:

21 "§462A-11 **Rates of pilotage.** [The] Notwithstanding any  
22 law to the contrary, the director, in consultation with the

S.B. NO. 3102

1        department of transportation, shall establish the rates of  
2        pilotage for vessels subject to this chapter as follows:

3                (1) The rates of pilotage in effect on July 1, 1978, shall  
4                remain in effect until changed by the director  
5                pursuant to this chapter.

6                (2) No rate shall be increased, lowered, or altered  
7                without a public hearing in accordance with chapter  
8                91. Due notice of hearing shall be mailed at least  
9                thirty days prior to the date of hearing to the  
10               individual licensed pilots, the pilot's association,  
11               and all owners, charterers, operators, and agents of  
12               vessels who have registered with the department.

13               (3) The director, in setting rates of pilotage, shall fix  
14               such amounts as will be a fair charge for the services  
15               rendered with due regard to necessary operating  
16               expenses, maintenance of, depreciation on, and return  
17               on investment for property used in the business of  
18               pilotage, and the rates and charges of pilotage at  
19               comparable ports of the United States.

20               (4) Persons aggrieved by the director's decision setting  
21               the rates of pilotage may appeal to circuit court as  
22               provided in chapter 91."

S.B. NO. 3102

1 SECTION 6. Section 462A-18, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 **"§462A-18 Vessels required to take a pilot.** Every vessel,  
4 other than an exempt vessel, entering or departing from any port  
5 in or traversing the waters of the State designated as pilotage  
6 waters shall employ a pilot licensed under this chapter;  
7 provided that a vessel declared by the director of  
8 transportation to be in immediate danger of destruction or  
9 [which] that poses an immediate hazard to public safety by its  
10 presence in the harbor may be moved without a pilot when a pilot  
11 is not immediately available."

12 SECTION 7. Section 462A-19, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§462A-19 Exempt vessels.** This chapter does not apply to:  
15 (1) Any vessel required by the laws of the United States  
16 [of America] to be under the direction and control of  
17 a federally licensed pilot;  
18 (2) Public vessels of the United States [of America];  
19 (3) Fishing vessels that have been issued a fishery  
20 license or appropriately endorsed registry under the  
21 laws of the United States [of America];

S.B. NO. 3102

1 (4) Tugs or towboats of 1,600 gross tons or less [which]  
2 that are registered in the United States if the  
3 master, mate, or operator is licensed in the United  
4 States and has made a minimum of six round trips into  
5 and out of the pilotage water [which] that the vessel  
6 is traversing; or

7 (5) Vessels under 300 gross tons.

8 This section provides minimum pilotage requirements, and  
9 [is not intended] shall not be construed to negate the  
10 department of transportation's responsibility for the safety of  
11 all ports and shore waters in the State, nor [does] shall it be  
12 construed to limit the [department's] department of  
13 transportation's right to require additional pilotage should  
14 [that] the department of transportation determine it is  
15 necessary to ensure safety in the ports or shore waters of the  
16 State."

17 SECTION 8. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

**19** SECTION 9. This Act shall take effect upon its approval.

20

21

#### INTRODUCED BY:

Miss. W.

22

BY REQUEST

# S.B. NO. 3102

**Report Title:**

DOT; DCCA; Port Pilots; Licensure

**Description:**

Clarifies the consulting role and responsibilities of the Department of Transportation in the Department of Commerce and Consumer Affairs' development and implementation of pilot licensure standards, requirements, and criteria.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

**SB. NO. 3102**

JUSTIFICATION SHEET

DEPARTMENT: Commerce and Consumer Affairs

TITLE: A BILL FOR AN ACT RELATING TO PORT PILOTAGE.

PURPOSE: To clarify the consulting role and responsibilities of the Department of Transportation (DOT) in the Department of Commerce and Consumer Affairs (DCCA)'s development and implementation of pilot license standards, requirements, and criteria.

MEANS: Add a new section to chapter 462A, Hawaii Revised Statutes (HRS), and amend sections 462A-3, 462A-3.5, 462A-8, 462A-11, 426A-18, and 462A-19, HRS.

JUSTIFICATION: The bill is necessary to ensure that the DOT's expertise is incorporated to promote uniformity, safety, and consistency in regulatory implementation for port pilotage. As the agency responsible for managing the State's harbors, the DOT is best positioned to guide the development and implementation of port pilot licensure requirements. Leveraging this expertise will enable the DCCA to align pilot licensing, fees, and service levels with the State's maritime safety responsibilities—protecting lives, property, and vessels at Hawaii's commercial ports.

Impact on the public: This bill will enhance maritime safety in the State's commercial ports.

Impact on the department and other agencies: The DOT will be required to play a role in the DCCA's Port Pilotage Program.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM

**SB. NO. 3102**

DESIGNATION: CCA-105.

OTHER AFFECTED  
AGENCIES: Department of Transportation.

EFFECTIVE DATE: Upon Approval.