

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:

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- 1 (1) Grant licenses to port pilots and deputy port pilots
2 pursuant to this chapter, when the need arises;
- 3 (2) ~~[Adopt,]~~ In consultation with the department of
4 transportation, adopt, amend, or repeal rules in
5 accordance with chapter 91 as may be necessary to
6 carry out the purposes of this chapter, which are to
7 provide for maximum efficiency in navigating vessels
8 entering or leaving the waters of this State; maintain
9 a pilotage system devoted to the preservation, and
10 protection of lives, property, and vessels entering or
11 leaving waters of the State; and ensure an adequate
12 supply of qualified pilots in aid of commerce and
13 navigation;
- 14 (3) ~~[Develop]~~ In consultation with the department of
15 transportation, develop appropriate standards for
16 licensure and renewal of licensure to maintain an
17 adequate supply of pilots based on the needs of users
18 of pilotage services ~~[or the department of~~
19 ~~transportation's harbors division]~~. Licensing
20 requirements shall include examinations and
21 investigations to determine whether persons applying

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1 for full port pilot[~~7~~] 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[~~+~~]
9 adopted hereto;

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

13 (7) Adopt methods to improve disciplinary and enforcement
14 programs against violations of this chapter[~~+~~] 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:

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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;

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- (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."

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

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

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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."

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

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

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

"§462A-19 Exempt vessels. This chapter does not apply to:

- (1) Any vessel required by the laws of the United States ~~[of America]~~ to be under the direction and control of a federally licensed pilot;
- (2) Public vessels of the United States ~~[of America]~~;
- (3) Fishing vessels that have been issued a fishery license or appropriately endorsed registry under the laws of the United States ~~[of America]~~;

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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.

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INTRODUCED BY:



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.

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

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DESIGNATION: CCA-105.

OTHER AFFECTED
AGENCIES: Department of Transportation.

EFFECTIVE DATE: Upon Approval.