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# 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:



1           "**§462A-3 Powers and duties of the director.** In addition  
2 to any other powers and duties authorized by law, the director  
3 shall:

4           (1) Grant licenses to port pilots and deputy port pilots  
5           pursuant to this chapter, when the need arises;

6           (2) [~~Adopt,~~] In consultation with the department of  
7           transportation, adopt, amend, or repeal rules in  
8           accordance with chapter 91 as may be necessary to  
9           carry out the purposes of this chapter, which are to  
10          provide for maximum efficiency in navigating vessels  
11          entering or leaving the waters of [~~this~~] the State;  
12          maintain a pilotage system devoted to the  
13          preservation[~~r~~] and protection of lives, property, and  
14          vessels entering or leaving waters of the State; and  
15          ensure an adequate supply of qualified pilots in aid  
16          of commerce and navigation;

17          (3) [~~Develop~~] In consultation with the department of  
18          transportation, develop appropriate standards for  
19          licensure and renewal of licensure to maintain an  
20          adequate supply of pilots based on the needs of users  
21          of pilotage services [~~or the department of~~



- 1           ~~transportation's harbors division~~]. Licensing  
2           requirements shall include examinations and  
3           investigations to determine whether persons applying  
4           for full port pilot[+] or deputy port pilot licenses  
5           are qualified;
- 6           (4) Enforce this chapter and rules adopted pursuant  
7           thereto;
- 8           (5) [~~Suspend,~~] In consultation with the department of  
9           transportation, suspend, revoke, or deny the issuance  
10          of any license for any cause prescribed by this  
11          chapter, or for any violation of [~~the~~] rules[+] adopted  
12          thereto;
- 13          (6) Investigate any person for violations of [~~any~~  
14          ~~provisions of~~] this chapter[+] and rules adopted  
15          thereto;
- 16          (7) Adopt methods to improve disciplinary and enforcement  
17          programs against violations of this chapter[+] and  
18          rules adopted thereto; and
- 19          (8) [~~Do~~] In consultation with the department of  
20          transportation, do all things reasonable, necessary,  
21          and expedient to insure proper and safe pilotage and



1 to facilitate the efficient administration of this  
2 chapter."

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

5 "[~~§~~462A-3.5~~§~~] **Adequate supply of licenses.** (a) The  
6 director, in consultation with the department of transportation,  
7 shall determine the number of pilots necessary to maintain an  
8 efficient pilotage service in accordance with this chapter.

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

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

19 "**§462A-8 Denial, suspension, or revocation.** In addition  
20 to any other actions authorized by law, the director, in  
21 consultation with the department of transportation, may deny the



1 issuance of a license to any applicant, and may suspend or  
2 revoke the license of any pilot for any cause authorized by law,  
3 including but not limited to the following:

- 4 (1) Violation of this chapter or any rule adopted by the  
5 director;
- 6 (2) Loss, damage, or injury due to negligent pilotage;
- 7 (3) Habitual use of any substance rendering a pilot unfit  
8 to be entrusted with the charge of a vessel;
- 9 (4) Inability to physically or mentally perform the duties  
10 of a pilot;
- 11 (5) Failure to maintain active service as a pilot in the  
12 State;
- 13 (6) Procurement of a license through fraudulent  
14 misrepresentation or deceit;
- 15 (7) Participation in any unfair or deceptive act or  
16 practice as prohibited by section 480-2;
- 17 (8) Violation of any law or rule intended to promote  
18 marine safety or protect navigational waters;
- 19 (9) Failure to report marine accidents in accordance with  
20 the rules of this chapter; or



1 (10) Failure to maintain a current and valid federal pilots  
2 license issued in accordance with title 46[7] United  
3 States Code[7] chapter 71."

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

6 "**§462A-11 Rates of pilotage.** [~~The~~] Notwithstanding any  
7 law to the contrary, the director, in consultation with the  
8 department of transportation, shall establish the rates of  
9 pilotage for vessels subject to this chapter as follows:

10 (1) The rates of pilotage in effect on July 1, 1978, shall  
11 remain in effect until changed by the director  
12 pursuant to this chapter[7];

13 (2) No rate shall be increased, lowered, or altered  
14 without a public hearing in accordance with chapter  
15 91[~~.—Due~~] and due notice of a hearing shall be mailed  
16 at least thirty days [~~prior to~~] before the date of the  
17 hearing to the individual licensed pilots, the pilot's  
18 association, and all owners, charterers, operators,  
19 and agents of vessels who have registered with the  
20 department[7];



1 (3) The director, in setting rates of pilotage, shall fix  
 2 [such] amounts as will be a fair charge for the  
 3 services rendered with due regard to necessary  
 4 operating expenses, maintenance of, depreciation on,  
 5 and return on investment for property used in the  
 6 business of pilotage, and the rates and charges of  
 7 pilotage at comparable ports of the United States[-];  
 8 and

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

12 SECTION 6. Section 462A-17, Hawaii Revised Statutes, is  
 13 amended to read as follows:

14 "**§462A-17 Description of pilotage waters.** Pilotage waters  
 15 as established under this chapter shall be the waters of the  
 16 State described as follows:

17 [~~(1) Port Allen: All waters inside a line drawn from Puolu~~  
 18 ~~Point to Weli Point.~~

19 ~~(2)]~~ (1) Nawiliwili: All waters inside a line drawn from  
 20 Ninini Point to Kawaii Point[-];



- 1        [~~3~~] (2) Honolulu: All waters inside a line drawn from  
2        Diamond Head Light, 278° true, to the intersection of  
3        a line drawn from the seaward edge of the reef runway  
4        at Latitude 21°-18.2' North and Longitude 157°-55.6'  
5        West, 180° true~~[ ]~~;
- 6        [~~4~~] (3) Kahului: All waters inside a line drawn from  
7        Waiehu Point to Waihee Reef Lighted Buoy 2 in Latitude  
8        20° 55.9' North and Longitude 156° 28.5' West and  
9        thence to Papaula Point~~[ ]~~;
- 10       [~~5~~] (4) Hilo: All waters inside a line drawn from the  
11       outer extremity of the Hilo Bay breakwater to Paukaa  
12       Point Light~~[ ]~~;
- 13       [~~6~~] (5) Kawaihae: All waters inside a line drawn from  
14       the outer extremity of the Kawaihae Harbor breakwater  
15       due West to Longitude 155° 51' West, thence due North  
16       to Latitude 20°03' North and thence due East to where  
17       it intersects with the shoreline~~[ ]~~; and
- 18       [~~7~~] (6) Barbers Point: All waters inside a line drawn  
19       from the northernmost refinery tower, 250° true, to  
20       the intersection of a line drawn tangentially to Maile  
21       Point, 165° true."



1 SECTION 7. 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 8. 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~~];



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 9. Statutory material to be repealed is bracketed  
 18 and stricken. New statutory material is underscored.

19 SECTION 10. This Act shall take effect on July 1, 3000.



**Report Title:**

DOT; DCCA; Port Pilots; Licensure; Pilotage Waters; Port Allen;  
Repeal

**Description:**

Clarifies the consulting role and responsibilities of the Department of Transportation in the Department of Commerce and Consumer Affairs' development and implementation of port pilot licensure standards, requirements, and criteria. Repeals Port Allen from the list of designated pilotage waters. Effective 7/1/3000. (HD1)

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

