
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 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 State; maintain
12 a pilotage system devoted to the preservation, and
13 protection of lives, property, and vessels entering or
14 leaving waters of the State; and ensure an adequate
15 supply of qualified pilots in aid of commerce and
16 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 hereto;

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

15 (7) Adopt methods to improve disciplinary and enforcement
16 programs against violations of this chapter[+] and
17 rules adopted hereto; and

18 (8) [~~Do~~] In consultation with the department of
19 transportation, do all things reasonable, necessary,
20 and expedient to insure proper and safe pilotage and
21



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 "~~S~~**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[7.—~~Due~~] and due notice of a hearing shall be mailed
16 at least thirty days [prior to] before the date of
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 services
3 rendered with due regard to necessary operating
4 expenses, maintenance of, depreciation on, and return
5 on investment for property used in the business of
6 pilotage, and the rates and charges of pilotage at
7 comparable ports of the United States~~(-)~~; and

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

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

13 "**§462A-18 Vessels required to take a pilot.** Every vessel,
14 other than an exempt vessel, entering or departing from any port
15 in or traversing the waters of the State designated as pilotage
16 waters shall employ a pilot licensed under this chapter;
17 provided that a vessel declared by the director of
18 transportation to be in immediate danger of destruction or
19 ~~[which]~~ that poses an immediate hazard to public safety by its
20 presence in the harbor may be moved without a pilot when a pilot
21 is not immediately available."



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

3 "~~S~~462A-19 **Exempt vessels.** This chapter does not apply to:

4 (1) Any vessel required by the laws of the United States
5 [~~of America~~] to be under the direction and control of
6 a federally licensed pilot;

7 (2) Public vessels of the United States [~~of America~~];

8 (3) Fishing vessels that have been issued a fishery
9 license or appropriately endorsed registry under the
10 laws of the United States [~~of America~~];

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

17 (5) Vessels under 300 gross tons.

18 This section provides minimum pilotage requirements, and
19 [~~is not intended~~] shall not be construed to negate the
20 department of transportation's responsibility for the safety of
21 all ports and shore waters in the State, nor [~~does~~] shall it be



1 construed to limit the [~~department's~~] department of
2 transportation's right to require additional pilotage should
3 [~~that~~] the department of transportation determine it is
4 necessary to ensure safety in the ports or shore waters of the
5 State."

6 SECTION 8. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 9. This Act shall take effect upon its approval.



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 port pilot licensure standards, requirements, and criteria. (SD1)

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

