

ACT 48

S.B. NO. 2

A Bill for an Act Relating to Pilotage.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 462A-3, Hawaii Revised Statutes, is amended to read as follows:

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

- (1) Grant licenses to port pilots and deputy port pilots pursuant to this chapter, when the need arises;
- (2) Adopt, amend, or repeal rules in accordance with chapter 91 as may be necessary to carry out the purposes of this chapter which are to provide for maximum efficiency in navigating vessels entering or

- leaving the waters of this State; maintain a pilotage system devoted to the preservation, and protection of lives, property, and vessels entering or leaving waters of the State; and ensure an adequate supply of qualified pilots in aid of commerce and navigation;
- (3) Develop appropriate standards for licensure and renewal of licensure to maintain an adequate supply of pilots based on the needs of users of pilotage services or the department of transportation's harbors division. Licensing requirements shall include examinations and investigations to determine whether persons applying for full port pilot, or deputy port pilot licenses are qualified;
 - (4) Enforce this chapter and rules adopted pursuant thereto;
 - (5) Suspend, revoke or deny the issuance of any license for any cause prescribed by this chapter, or for any violation of the rules;
 - (6) Investigate any person for violations of any provisions of this chapter;
 - (7) Adopt methods to improve disciplinary and enforcement programs against violations of this chapter; and
 - (8) Do all things reasonable, necessary, and expedient to insure proper and safe pilotage and to facilitate the efficient administration of this chapter."

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

"§462A-6 Duration and renewal of license. All licenses shall expire on June 30 of even-numbered years. All applicants for renewal of license shall submit a renewal application pursuant to section 436B-13 and comply with all applicable rules of the department. No applicant shall be denied a renewal of the applicant's license, except as provided in this chapter, as long as the applicant possesses the qualifications established by the department and remains in active service as a pilot in the State."

SECTION 3. Section 462A-18, Hawaii Revised Statutes, is amended to read as follows:

"§462A-18 Vessels required to take a pilot. Every vessel [~~involved in trade or commerce~~], 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 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 4. 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; [øf]

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

- (5) Vessels under 300 gross tons.

This section provides minimum pilotage requirements, and is not intended to negate the department of transportation's responsibility for the safety of all ports and shore waters in the State, nor does it limit the department's right to require additional pilotage should that department determine it is necessary to ensure safety in the ports or shore waters of the State."

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

(Approved May 6, 2015.)