

## Senate Bill No. 2144

### CHAPTER 394

An act to amend Sections 1126, 1180.3, and 1181 of the Harbors and Navigation Code, relating to bay pilots.

[Approved by Governor September 8, 2000. Filed  
with Secretary of State September 11, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 2144, Perata. Bay pilots.

(1) Existing law provides for the licensing of bay pilots for San Francisco, San Pablo, and Suisun Bays. Existing law provides that any person who does not hold a license as a pilot or as an inland pilot, and who pilots any vessel into or out of any harbor or part of the Bays of San Francisco, San Pablo, or Suisun, or who acts as a pilot for ship movements or special operations upon these bays, is guilty of a misdemeanor. Existing law exempts from this prohibition, among others, persons piloting vessels when a pilot is not available, is unable to reach the vessel, or is prevented from joining or refuses to join the vessel.

This bill would delete these exemptions, and instead provide for an exemption from these provisions for persons piloting vessels when a state-licensed pilot refuses to join the vessel. By changing the scope of the misdemeanor, the bill would create a state-mandated local program.

(2) Existing law requires the Board of Pilot Commissioners for the Bays of San Francisco, San Pablo, and Suisun to establish an incident review committee to review all reports of misconduct or navigational incidents involving pilots or inland pilots or other matters for which a license issued by the board may be revoked or suspended. Existing law also provides for the appointment of port agents to carry out the orders of the board, other applicable laws, and otherwise administer the affairs of the pilots.

This bill would provide that this provision does not apply to an incident involving a pilot or inland pilot aboard a vessel of less than 300 gross tons unless a pilot or inland pilot is required by law.

(3) Existing law authorizes the revocation or suspension of the license of a pilot or inland pilot only for reasons of misconduct, including negligently, ignorantly, or willfully running any vessel on shore, or otherwise rendering it liable to damage, or otherwise causing injury to persons or damage to property.

This bill would provide that this provision does not apply to a vessel of less than 300 gross tons unless a pilot or inland pilot is required by law.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1126 of the Harbors and Navigation Code is amended to read:

1126. (a) Every person who does not hold a license as a pilot or as an inland pilot issued pursuant to this division, and who pilots any vessel into or out of any harbor or port of the Bay of San Francisco, San Pablo, or Suisun, or who acts as a pilot for ship movements or special operations upon the waters of any of those bays, is guilty of a misdemeanor. In addition to the fines or other penalties provided by law, the court may order that person to pay to the pilot who is entitled to pilot the vessel the amount of pilotage fees collected. No fees shall be paid for pilotage if a state-licensed pilot refuses to join the vessel under paragraph (5) of subdivision (c).

(b) Any person may also be enjoined from engaging in the pilotage prescribed by subdivision (a) by a court of competent jurisdiction.

(c) This section does not apply to any of the following persons:

(1) The master of a vessel who has relieved the pilot to ensure the safe operation of the vessel, but only from the point where the pilot is relieved to the closest safe berth or anchorage, or the high seas if closer than a safe berth or anchorage.

(2) Persons piloting vessels pursuant to the valid regulatory authority of the Port of Sacramento or the Port of Stockton.

(3) Persons piloting vessels sailing under an enrollment, as specified in Section 1127.

(4) Persons piloting vessels pursuant to Section 1179.

(5) Persons piloting vessels when a state-licensed pilot refuses to join the vessel. However, a vessel may not hire a pilot not licensed by the state until a representative of the vessel notifies the port agent or his or her designee that the vessel will hire a pilot not licensed by the state unless a state-licensed pilot offers to join the vessel immediately. The port agent or his or her designee shall notify the executive director of the board or his or her designee that this paragraph applies.

(d) The exemption set forth in paragraph (5) of subdivision (c) does not apply in instances where a state licensed pilot refuses to join a vessel because of suspected safety violations concerning that vessel's pilot hoists or pilot ladders.



SEC. 2. Section 1180.3 of the Harbors and Navigation Code is amended to read:

1180.3. (a) The board shall establish an incident review committee, which shall be composed of one public member of the board and the executive director. The board shall delegate to the incident review committee the responsibility to review all reports of misconduct or navigational incidents involving pilots or inland pilots or other matters for which a license issued by the board may be revoked or suspended. This subdivision does not apply to an incident involving a pilot or inland pilot aboard a vessel of less than 300 gross tons unless a pilot or inland pilot is required by law.

(b) The incident review committee, with the assistance of one or more investigators, shall investigate the incident, misconduct, or other matter and prepare a written report. The incident review committee may call witnesses and request additional information if the incident review committee considers it necessary to conduct a complete investigation. In performing their duties, the members of the incident review committee and its investigators shall act fairly and impartially and shall treat all matters developed or maintained as required by law. The members of the incident review committee and the investigators shall not discuss any investigation with the board or any member of the board until the matter has been finally disposed of by the incident review committee or final action has been taken by the board, as appropriate. The board shall specify, by regulation, the information to be contained in the report, which shall include, but need not be limited to, the following information relating to the incident, misconduct, or other matter:

- (1) The name of the vessel, date, location, and identification of the pilot or inland pilot.
- (2) A description of the weather and sea conditions.
- (3) An illustration and description of the incident, misconduct, or other matter under investigation.
- (4) An estimate of the damages, if any.
- (5) The names of the witnesses providing information relating to the incident, misconduct, or other matter under investigation.
- (6) The nature and extent of any injuries.
- (7) A summary of any prior investigations of incidents, misconduct, or other matters involving the same pilot or inland pilot designated pursuant to paragraph (1).
- (8) Any relevant correspondence or records from the United States Coast Guard relating to the incident, misconduct, or other matter under investigation.
- (9) A historical record of the actions taken in the investigation and the action taken pursuant to Section 1180.6.
- (10) A summary of the factual background of the incident, misconduct, or other matter investigated.



(11) The following information that is not a part of the public record:

(A) The report from the pilot or inland pilot.

(B) The confidential report of the investigator.

(c) Unless an accusation for suspension or revocation of the pilot's or inland pilot's license is served on the pilot or inland pilot as provided in Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, the incident review committee shall present the completed investigation report to the board at the first monthly meeting of the board after the completion of the report. Unless an extension is granted by the board, the report shall be presented within 90 days of the date of the incident, misconduct, or other matter investigated.

(d) The record of the investigation prepared pursuant to subdivision (b) and the final disposition of the incident, misconduct, or other matter shall be retained in the records of the board for 10 years after the completion of the investigation and, except for the items listed in paragraph (11) of subdivision (b), shall be a public record.

SEC. 3. Section 1181 of the Harbors and Navigation Code is amended to read:

1181. The license of a pilot or inland pilot may be revoked or suspended before its expiration only for reasons of misconduct, which shall include, but not be limited to, the following:

(a) Neglect, for 30 days after it becomes due, to render an account to the board of all money received for pilotage.

(b) Neglect, for 30 days after it becomes due, to pay over to the board the percentage of all pilotage money received, as set by the board.

(c) Rendering to the board a false account of pilotage received.

(d) Absence from duty for more than one month at any one time without leave granted by the board, unless sickness or personal injury causes the absence. This subdivision does not apply to inland pilots.

(e) Refusing to exhibit the pilot or inland pilot license when requested to do so by the master of any vessel boarded.

(f) Intoxication or being under the influence of any substance or combination of substances which so affects the nervous system, brain, or muscles as to impair, to an appreciable degree, the ability to conduct the duties of a pilot or inland pilot while on duty.

(g) Negligently, ignorantly, or willfully running any vessel on shore, or otherwise rendering it liable to damage, or otherwise causing injury to persons or damage to property. However, this subdivision does not apply to a vessel of less than 300 gross tons unless a pilot or inland pilot is required by law.

(h) Willful violation of the rules and regulations adopted by the board for the government of pilots or inland pilots.



(i) Inability to comply with the standards of health or physical condition requisite to the duties of a pilot or inland pilot, but in that case the burden of proving compliance with these standards is upon the licensee, unless prior to the hearing the licensee takes and passes those tests or examinations required by the board.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

