
A BILL FOR AN ACT

RELATING TO 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- Liability. (a) A vessel subject to this
5 chapter and the owner or operator of the vessel shall defend,
6 indemnify, and hold harmless the pilot, any pilot association to
7 which the pilot belongs, and their officers and employees, with
8 respect to liability arising from any claim, suit, or action, by
9 whomever asserted, resulting in whole or in part from any act,
10 omission, or negligence of the pilot, any pilot association to
11 which the pilot belongs, and their officers and employees.

12 (b) The obligation to indemnify under this section shall
13 not apply to the extent that it causes the amount recoverable
14 from a vessel and the owner or operator of the vessel to exceed
15 the limits of liability to which it is entitled under any bill
16 of lading, charter party, contract of affreightment, or law."

17 SECTION 2. Section 462A-3, Hawaii Revised Statutes, is
18 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, amend, or repeal rules in accordance with
7 chapter 91 as may be necessary to carry out the
8 purposes of this chapter which are to provide for
9 maximum efficiency in navigating vessels entering or
10 leaving the waters of this State; maintain a pilotage
11 system devoted to the preservation, and protection of
12 lives, property, and vessels entering or leaving
13 waters of the State; and ensure an adequate supply of
14 qualified pilots in aid of commerce and navigation;

15 (3) Develop appropriate standards for licensure and
16 renewal of licensure to maintain an adequate supply of
17 pilots based on the needs of users of pilotage
18 services or the department of transportation's harbors
19 division. Licensing and renewal licensing
20 requirements shall include examinations and
21 investigations to determine whether persons applying



1 for full port pilot, or deputy port pilot licenses are
2 qualified;

3 (4) Enforce this chapter and rules adopted pursuant
4 thereto;

5 (5) Suspend, revoke or deny the issuance of any license
6 for any cause prescribed by this chapter, or for any
7 violation of the rules;

8 (6) Investigate any person for violations of any
9 provisions of this chapter;

10 (7) Adopt methods to improve disciplinary and enforcement
11 programs against violations of this chapter; and

12 (8) Do all things reasonable, necessary, and expedient to
13 insure proper and safe pilotage and to facilitate the
14 efficient administration of this chapter."

15 SECTION 3. Section 462A-6, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§462A-6 Duration and renewal of license.** All licenses
18 shall expire on June 30 of even-numbered years. All applicants
19 for renewal of license shall submit a renewal application
20 pursuant to section 436B-13 and comply with all applicable rules
21 of the department. No applicant shall be denied a renewal of



1 the applicant's license, except as provided in this chapter, as
2 long as the applicant possesses the qualifications established
3 by the department and remains in active service as a pilot in
4 the State."

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

7 **"§462A-18 Vessels required to take a pilot.** Every vessel
8 [~~involved in trade or commerce~~], other than an exempt vessel,
9 entering or departing from any port in or traversing the waters
10 of the State designated as pilotage waters shall employ a pilot
11 licensed under this chapter; provided that a vessel declared by
12 the director of transportation to be in immediate danger of
13 destruction or which poses an immediate hazard to public safety
14 by its presence in the harbor may be moved without a pilot when
15 a pilot is not immediately available."

16 SECTION 5. Section 462A-19, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§462A-19 Exempt vessels.** This chapter does not apply to:

- 19 (1) Any vessel required by the laws of the United States
20 of America to be under the direction and control of a
21 federally licensed pilot;



- 1 (2) Public vessels of the United States of America;
- 2 (3) Fishing vessels that have been issued a fishery
- 3 license or appropriately endorsed registry under the
- 4 laws of the United States of America; [~~or~~]
- 5 (4) Tugs or towboats of 1,600 gross tons or less which are
- 6 registered in the United States if the master, mate,
- 7 or operator is licensed in the United States and has
- 8 made a minimum of six round trips into and out of the
- 9 pilotage water which the vessel is traversing[~~-~~]; or
- 10 (5) Vessels under 300 gross tons.

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

18 SECTION 6. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 7. This Act shall take effect on July 1, 2050.



Report Title:

Pilotage; Port Pilots; Liability; Vessels

Description:

Regulates the liability of port pilots. Exempts vessels under 300 gross tons from pilotage regulation. Requires the director of commerce and consumer affairs to develop appropriate standards for port pilot license renewal. Requires pilot license renewal to be pursuant to section 436B-13, HRS. Effective 07/01/2050. (SD2)

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