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# 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 pilot shall not be liable for  
5 damages in excess of \$5,000 for damages or loss occasioned by a  
6 pilot's errors, omissions, fault, or negligence in the  
7 performance of pilotage or in the training of pilots, except for  
8 acts or omissions of the pilot in the performance of pilotage or  
9 in the training of pilots that constitute wilful, intentional,  
10 or reckless misconduct.

11           (b) Nothing in this chapter exempts the vessel, its owner,  
12 or its operator from liability for damages or loss occasioned by  
13 the ship to a person or property on the grounds that the ship  
14 was piloted by a pilot licensed by the State or the damage or  
15 loss was occasioned by the error, omission, fault, or neglect of  
16 a pilot licensed by the State."

17           SECTION 2. Section 462A-18, Hawaii Revised Statutes, is  
18 amended to read as follows:



1           **"§462A-18 Vessels required to take a pilot.** Every vessel  
 2    ~~[involved in trade or commerce]~~, other than an exempt vessel,  
 3    entering or departing from any port in or traversing the waters  
 4    of the State designated as pilotage waters shall employ a pilot  
 5    licensed under this chapter; provided that a vessel declared by  
 6    the director of transportation to be in immediate danger of  
 7    destruction or which poses an immediate hazard to public safety  
 8    by its presence in the harbor may be moved without a pilot when  
 9    a pilot is not immediately available."

10           SECTION 3. Section 462A-19, Hawaii Revised Statutes, is  
 11    amended to read as follows:

12           **"§462A-19 Exempt vessels.** This chapter does not apply to:

- 13           (1) Any vessel required by the laws of the United States
- 14                 of America to be under the direction and control of a
- 15                 federally licensed pilot;
- 16           (2) Public vessels of the United States of America;
- 17           (3) Fishing vessels that have been issued a fishery
- 18                 license or appropriately endorsed registry under the
- 19                 laws of the United States of America; ~~[or]~~
- 20           (4) Tugs or towboats of 1,600 gross tons or less which are
- 21                 registered in the United States if the master, mate,



1 or operator is licensed in the United States and has  
2 made a minimum of six round trips into and out of the  
3 pilotage water which the vessel is traversing[-]; or  
4 (5) Vessels under 300 gross tons.

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

12 Section 4. The department of commerce and consumer  
13 affairs, in consultation with the Hawaii Pilots Association,  
14 shall report to the legislature no later than twenty days prior  
15 to the convening of the regular session of 2016 on findings and  
16 recommendations, including proposed legislation, on the  
17 following:

- 18 (1) Continuing education requirements for port pilots who  
19 are licensed under chapter 462A, Hawaii Revised  
20 Statutes;



1           (2) Investigations of port pilots who are renewing their  
2           licenses to determine if they are qualified as  
3           provided in section 462A-3(3), Hawaii Revised  
4           Statutes; and

5           (3) Any other matters relevant to the professional  
6           competencies and education of port pilots when  
7           applying for a license or renewing a license.

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

10          SECTION 6. This Act shall take effect on July 1, 2050.



**Report Title:**

Pilotage; Port Pilots; Liability; Continuing Education; Vessels

**Description:**

Regulates the liability of port pilots. Exempts vessels under 300 gross tons from pilotage regulation. Requires the department of commerce and consumer affairs to report to the legislature on continuing education requirements, investigations to determine qualifications of pilots applying for license renewal and other matters relevant to licensure. Effective 7/1/2050. (SD1)

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

