

Rhode Island State Pilotage Commission

Statutory Authority

TITLE 46 - Waters and Navigation: CHAPTER 46-9 Pilots – Rhode Island Sound, Narragansett Bay, Sakonnet River, and Tributaries

§ 46-9-1 Declaration of policy. – (a) It is declared to be the policy and intent of the general assembly and the purpose of this chapter: (1) To provide maximum safety from the dangers of navigation for vessels entering or leaving the waters of this state; (2) To maintain a state pilotage system devoted to the preservation and protection of lives, property, and vessels entering or leaving waters of this state at the highest standard of efficiency; and (3) To insure an adequate supply of pilots well qualified for the discharge of their duties. (b) The general assembly recognizes, finds, and declares that it is the policy of the state of Rhode Island that the waters, harbors and ports of the state of Rhode Island are important resources, and it is deemed necessary in the interest of public health, safety, and welfare to provide laws regulating the piloting of vessels utilizing the navigable waters of the state in order that the resources, the environment, life, and property may be protected to the fullest extent possible. (c) The general assembly further finds and declares that it is a policy of the state of Rhode Island to have pilots experienced in the handling of vessels aboard vessels in certain of the state waters with prescribed qualifications and licenses issued by the state. (d) It is further the intent of the general assembly not to place in jeopardy Rhode Island's position as an able competitor for waterborne commerce from other ports and nations of the world, but rather to continue to develop and encourage that commerce. (e) It is the further intent of the general assembly to regulate pilots, piloting, and pilotage to the full extent of any congressional grant of authority, except as limited in this chapter.

§ 46-9-2 Vessels required to employ state licensed pilot – “Vessel” defined. – (a) Every foreign vessel, regardless of gross tonnage or draft, and every American vessel under register, regardless of gross tonnage or draft, and every other vessel not exempted by § 46-9-3, or the laws of the United States, entering or departing from any port of the state or traversing the waters of the state north of a line drawn from Point Judith to Sakonnet Point, shall take and employ a pilot licensed under this chapter and shall be subject to the provisions of this chapter; and the vessel, its master, owner, agent, or consignee shall be liable for any pay pilotage rates in accordance with the pilotage rates established by the pilotage commission or which may be established under the provisions of this chapter; and the vessels shall be subject to regulations established by the pilotage commission, which commission is established under § 46-9-5. (b) Unless otherwise provided, as used in this chapter, the word “vessel” means every description of watercraft or other artificial contraption used or capable of being used as a means of transportation on water and measuring one thousand (1,000) gross tons or more, and capable of loading to a draft of twelve feet (12') or more, and every foreign ship, boat, barge, vessel, and watercraft, regardless of gross tonnage or draft, and every American ship, boat, barge, vessel, and watercraft under register,

regardless of gross tonnage or draft. (c) Notwithstanding any of the above provisions, any vessel carrying or towing a barge or similar conveyance carrying more than one thousand (1,000) gross tons of any oil, petroleum, petroleum distillate, or any by-product thereof, shall be defined as a vessel and shall be subject to the provisions of this chapter.

§ 46-9-5 Pilotage commission. – (a) There is hereby created a state pilotage commission within the department of environmental management independent of the department and the director, consisting of four (4) members, two (2) of whom shall be appointed by the governor. Of the members appointed by the governor, one shall be a licensed pilot with five (5) years active service on the waters of this state, and one shall represent the public. The associate director of the bureau of natural resources within the department of environmental management, or his or her designee and the director of the department of environmental management or his or her designee shall serve as ex officio members of the commission. Each appointed member of the commission shall serve for a term of three (3) years and until his or her successor shall be appointed and qualified. In the month of February, the governor shall appoint a member to hold office until the first day of March in the third year of his or her appointment, and until his or her successor shall be appointed and qualified to succeed the member whose term shall next expire. Gubernatorial appointments made under this section after the effective date of this act [April 20, 2006] shall be subject to the advice and consent of the senate. (b) Any vacancy which may occur in the commission shall be filled by the governor as in the case of an original appointment for the remainder of the unexpired term. Any member shall be eligible to succeed him or herself. (c) Newly appointed and qualified public members and designees of ex-officio members shall, within six (6) months of their qualification or designation, attend a training course that shall be developed with commission approval and conducted by the chair of the commission and shall include instruction in the following areas: the provisions of chapters 46-9, 42-46, 36-14 and 38-2 and the commission's rules and regulations. The director of the department of administration shall, within ninety (90) days of the effective date of this act [April 20, 2006], prepare and disseminate training materials relating to the provisions of chapters 42-46, 36-14 and 38-2. (d) Members of the commission shall be removable by the governor pursuant to § 36-1-7 of the general laws and for cause only, and removal solely for partisan or personal reason unrelated to capacity or fitness for the office shall be unlawful.

§ 46-9-6 Duties of commission. – The commission shall perform the duties and have the powers set forth in this section as well as other duties and powers as may be provided by law: (1)

To make, establish, and enforce rules and regulations, not inconsistent with law, which shall be binding and effectual upon all pilots licensed by the commission, all vessels subject to this chapter, and all parties employing the pilots; and, from time to time, revise or amend the rules and regulations as may be necessary to enable the commission to carry into effect and enforce the provisions of this chapter; the rules and regulations shall include, but not be limited to, those rules and regulations necessary to enable the commission to respond to emergencies or catastrophic conditions as may occur, whether environmental or otherwise. The rules and regulations shall formalize and detail the authority of the commission over individual bay pilots in relation to other state, federal, and municipal agencies, and any other public safety programs; (2) To make and establish rates of pilotage for vessels that are subject to the provisions of this chapter; (3) To establish and determine the qualifications of any person applying for a pilot's license and conduct examination; (4) To issue, suspend, or revoke any pilot's license in accordance with the provisions of this chapter; (5) To take any action that is necessary to cause the laws, rules, and regulations concerning pilots and pilotage matters to be fully observed and executed; (6) To hear and decide complaints made in writing against any pilot, pilot's agent or employee, or person subject to the provisions of this chapter for any misbehavior or neglect of or breach of rules or regulations of the commission which it shall deem material to be investigated; (7) To hear and decide complaints made in writing by any pilot against any charterer, owner, agent, master, or sailor of a vessel for any misbehavior toward that pilot in the performance of the pilot's duty, or for any breach of the rules and regulations; (8) To have the power and authority to take testimony and evidence and administer oaths and compel the attendance of witnesses and issue and serve witness subpoenas and subpoenas duces tecum at any hearings that it may conduct; provided, further, that the commission shall conduct at least one public hearing annually, duly advertised, to hear and receive complaints and comments from individual pilots, associations, or other public or private agencies with regard to any matters that may properly come within the jurisdiction of the commission; (9) To make an annual report to the director of environmental management for the preceding calendar year, together with the amounts of pilotage collected by the pilots and the amounts paid to the state. The report shall also include but not be limited to: (i) A review and synopsis of commission activities and administrative proceedings; (ii) A fiscal report and recommendations on fee collections; (iii) A synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the commission; (iv) A review of goals established and findings and recommendations on commission activity. (10) To establish criteria for the training, experience, ability, knowledge, aptitude, skill, and professional qualifications of pilots and establish and determine the training, experience, ability, knowledge, aptitude, skill, and professional qualifications requirements necessary to make any person eligible to apply for a pilot's license and to conduct examinations, and, in this connection, to appoint a special board of state licensed pilots to supervise the training and instructions of those persons seeking eligibility to apply for a pilot's license, and to certify their experience, competency, ability, knowledge, skill, aptitude, education, and training in accordance with criteria established by the commission and in accordance with the rules and regulations of the commission; (11)

To require an applicant for a license or a licensed pilot to submit proof of the applicant's mental or physical capability to serve or continue to serve; (12) To institute proceedings in the appropriate courts in this state to restrain and enjoin actions when any violation of this chapter or rule promulgated there under has occurred or is threatened by any person; (13) To require holders of licenses or certificates, and applicants for licenses or certificates, to submit pertinent information under oath necessary to determine their qualifications or to enforce the provisions of this chapter; (14) To regulate the station and operation of any pilot boat within the waters of the state used for the purpose of boarding or disembarking any pilot and to designate the areas in which the vessels shall be boarded or left by the pilots; and (15) To require the reporting of all maritime accidents pursuant to the regulations of the commission. (16) Within ninety (90) days after the end of each fiscal year, the commission shall approve and submit an annual report to the governor, the speaker of the house of representatives, the president of the senate, and the secretary of state, of its activities during that fiscal year. The report shall provide: an operating statement summarizing meetings or hearings held, meeting minutes if requested, subjects addressed, decisions rendered, rules or regulations promulgated, studies conducted, policies and plans developed, approved, or modified, and programs administered or initiated; a consolidated financial statement of all funds received and expended including the source of the funds, a listing of any staff supported by these funds, and a summary of any clerical, administrative or technical support received; a summary of performance during the previous fiscal year including accomplishments, shortcomings and remedies; a synopsis of hearings, complaints, suspensions, or other legal matters related to the authority of the commission; a summary of any training courses held pursuant to subsection 46-9-5(d); a briefing on anticipated activities in the upcoming fiscal year; and findings and recommendations for improvements. The report shall be posted electronically on the general assembly and the secretary of state's websites as prescribed in § 42-20-8.2 of the Rhode Island general laws. The director of the department of administration shall be responsible for the enforcement of this provision.