
COMMONWEALTH OF VIRGINIA

BOARD FOR BRANCH PILOTS



REGULATIONS Governing Branch Pilots

Last Updated December 1, 2012

STATUTES
Title 54.1, Chapter 9



Department of Professional and Occupational Regulation

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NOTICE

SUMMARY OF SIGNIFICANT CHANGES

Included in this document are relevant excerpts from the Virginia Administrative Code. Please note that the Board for branch Pilots is responsible for promulgating regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Code Commission is responsible for compiling and codifying all of the administrative regulations of state agencies into the Virginia Administrative Code.

It is your responsibility to stay informed and follow all regulations and statutes governing your profession or occupation. As a regulant of the Board, you should read and become familiar with all regulations applicable to your profession or occupation. You can stay informed of regulatory actions that may result in changes to the regulations at Virginia Regulatory Town Hall (www.townhall.virginia.gov).

This document is a complete, edited (unofficial) copy of the December 1, 2012 Regulations (18 VAC 45-20). Please refer to the Virginia Administrative Code for an official copy of the regulations applicable to your profession or occupation. You can access the Virginia Administrative Code online at <http://leg1.state.va.us/000/reg/TOC.HTM>.

The following summarizes significant revisions to the regulations effective December 1, 2012, but does not include all changes that were made to the Board for Branch Pilots Regulations.

- The regulations have been amended to further define the requirements and procedures for chemical testing, the physical examination requirements for initial licensing and license renewal, and additional criteria for the Medical Review Officer. “Marijuana” was also added to the definitions.

STATEMENT OF PURPOSE

This booklet contains the information you will need to obtain your Branch Pilots license. The law that governs your profession is found in the Code of Virginia, 1950, as amended, in Title 54.1, Chapter 9. That law permits the Department of Professional and Occupational Regulation to issue regulations that tell you more about what is expected of you in your profession. This booklet contains a copy of the law and regulations that you will need to know and obey to get and keep your license. **BE SURE YOU READ AND UNDERSTAND THE STANDARDS OF CONDUCT. YOUR FAILURE TO OBEY THESE STANDARDS COULD RESULT IN A MONETARY PENALTY OR THE LOSS OF YOUR LICENSE.**

It is the goal of the Department of Professional and Occupational Regulation to provide you with the information you need to comply with the law and regulations. If you have a question and cannot find the answer to it in this booklet, please write to:

Board for Branch Pilots
Department of Professional and Occupational Regulation
9960 Mayland Drive, Suite 400
Richmond, Virginia 23233

or call the Agency at (804) 367-8500.

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18VAC45-20-05. Definitions.

The words and terms used in this chapter have the following meanings unless the context requires a different meaning:

"Attempting to perform" means any time when a licensee has accepted an assignment to perform any of the duties of his office or job.

"Chemical test," except when applied to testing for the presence of alcohol, means any scientifically recognized test and analyses of an individual's breath, blood, urine, saliva, bodily fluids, hair or tissues for evidence of controlled substances listed in Schedules I - V of the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia) or marijuana. The words "chemical test" as used in this chapter in connection with the testing for the presence of alcohol refers to a scientifically recognized test involving saliva or breath.

"Illegal drugs" includes (i) any controlled substance as that term is defined in the Drug Control Act at § 54.1-3401 of the Code of Virginia listed in Schedule I (§ 54.1-3446 of the Code of Virginia); (ii) those controlled substances illegally acquired listed from Schedules II - V (§§ 54.1-3448, 54.1-3450, 54.1-3452 and 54.1-3454 of the Code of Virginia, respectively); or (iii) marijuana. It is the intent of these regulations that in the event the contents of Schedules I - V of the Drug Control Act are changed, that these regulations incorporate such changes at the time those controlled substances are made a part of the Drug Control Act in Virginia.

"Medical review officer" or "MRO" means a Virginia licensed physician with a current valid certification from the American College of Occupational and Environmental Medicine or the American Association of Medical Review Officers whose duties, authorities and responsibilities are delineated by these organizations.

"On duty" means the period of time the licensee is available to receive orders for an assignment.

Historical Notes:

Derived from Virginia Register Volume 17, Issue 7, eff. February 1, 2001; amended, Virginia Register Volume 29, Issue 4, eff. December 1, 2012.

18VAC45-20-10. Initial licensing.

A. Any person wishing to obtain a license as a limited branch pilot shall meet the following qualifications:

1. Satisfactorily complete a two-year apprenticeship in a program approved by the board;

2. Satisfactorily complete a comprehensive examination which shall be approved by the board and administered by the examining committee of the board. The examination shall be in two parts:
 - a. Written; and
 - b. Practical oral examination;
3. Comply with the board's regulations and Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia;
4. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination shall include the chemical tests referred to in 18VAC45-20-5;
5. Notify the board of any chronic or acute physical or mental condition; and
6. Pay a licensing fee of \$60. Each check or money order shall be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

B. Any limited branch pilot wishing to obtain a full branch pilot license shall meet the following qualifications:

1. Satisfactorily complete a five-year apprenticeship in a program approved by the board;
2. Hold a limited branch pilot license in good standing;
3. Pass a practical examination approved by the board and administered by the board's examining committee;
4. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate. A copy of this license shall be filed with the clerk of the board immediately;
5. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. This examination shall include the chemical tests referred to in 18VAC45-20-50;
6. Qualify in accordance with § 54.1-905 of the Code of Virginia; and
7. Pay a licensing fee of \$60. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

Historical Notes: Derived from VR535-01-01 §1.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 15, Issue 9 eff. March 1, 1999;

18VAC45-20-20. License renewal.

- A. Each pilot seeking renewal of his license shall complete a renewal application, comply with the provisions of this section, and appear before the board or its License Renewal Committee which shall determine if he possesses the qualifications to be renewed.
- B. Any limited branch pilot seeking to renew his license shall meet the following standards:
 - 1. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. If the branch pilot has not been subject to random chemical testing during the preceding 24 months, then this examination shall include the chemical tests referred to in 18VAC45-20-50;
 - 2. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months;
 - 3. After three years of licensure as a limited branch pilot, possess a valid First Class Pilot License issued by the United States Coast Guard for the same waters as his limited branch. Any such federal license acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate; and
 - 4. Pay a license renewal fee of \$60. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.
- C. Any full branch pilot seeking to renew his license shall meet the following standards:
 - 1. Possess a valid unlimited Federal Inland Masters License with First Class Pilot endorsement issued by the United States Coast Guard for the same waters as his branch; any such federal license renewed or acquired after January 1994 shall include an Automated Radar Plotting Aids (ARPA) radar certificate;
 - 2. Furnish to the board evidence of a satisfactory physical examination conducted within the immediately preceding 60 days. If the branch pilot has not been subject to random chemical testing during the preceding 24 months, then this examination shall include the chemical tests referred to in 18VAC45-20-50;
 - 3. Furnish to the board evidence that he has transited the waters embraced by his license during the preceding 12 months, and that he has piloted 12 or more ships during that time, at least six trips as a pilot within the first six months of the calendar year and six trips as a pilot within the last six months of the calendar year. Upon the showing of good cause, the board may waive the requirements of this subdivision when in its judgment the pilot is otherwise qualified;

4. Qualify in accordance with § 54.1-906 of the Code of Virginia; and
5. Pay a license renewal fee of \$60. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

Historical Notes:

Derived from VR535-01-01 §2.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 15, Issue 9, eff. March 1, 1999; Volume 17, Issue 7, eff. February 1, 2001; Volume 23, Issue 9, eff. March 1, 2007; Volume 29, Issue 4, eff. December 1, 2012.

18VAC45-20-30. Change of license.

In order to extend a license, an applicant shall satisfactorily complete twelve or more round trips with a currently licensed pilot of the branch for which the applicant seeks licensure, receive a First Class Pilot License issued by the United States Coast Guard for that additional area and pass a practical examination approved by the board and administered by the board's Examination Committee.

Historical Notes:

Derived from VR535-01-01 §3.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 17, Issue 7, eff. February 1, 2001.

18VAC45-20-40. Grounds for denial of licensure, denial of renewal, or discipline.

The board shall have the authority to deny initial licensure, deny an extension of license, or deny renewal as well as to discipline existing licensees, whether limited or not, for the following reasons:

1. (i) Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude or any alcohol- or drug-related offense there being no appeal pending, therefrom or the time for appeal having elapsed.

(ii) Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor resulting from an arrest for any alcohol- or drug-related offense, there being no appeal pending therefrom or the time for appeal having elapsed.

Any plea of nolo contendere shall be considered a conviction for the purposes of this subdivision. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction;

2. Failing to inform the board in writing within seven calendar days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude or any alcohol- or drug-related offense;
3. Failing to report to the board in writing any reports of the National Transportation Safety Board involving the licensee, or the results of any disciplinary action taken by the United States Coast Guard against the licensee within seven calendar days of that report or action;
4. Refusing or in any other way failing to carry out an order from the pilot officers for reasons other than the public's health, safety, or welfare;
5. Negligence or misconduct in the performance of duties;
6. Violating or cooperating with others in violating any provision of Chapter 9 (§ 54.1-900 et seq.) of the Title 54.1 of the Code of Virginia or any regulation of the board;
7. Failing to, as soon as possible under the circumstances, report to the pilot officers his finishing time and other required information relating to the particulars of the ship;
8. Failing to file immediately with the president or vice president of the board with a copy to the board administrator a complete written account of any violation of the statutes of Virginia or of the United States relating to pilotage or failing to report in writing to the president or vice president of the board with a copy to the board administrator an account of all collisions, groundings, or other maritime mishaps of any description that may occur during the discharge of the pilot's duties. This report shall be received no later than seven days after such an incident;
9. Failing to report to the board any physical or mental condition which may affect his ability to perform the duties of a pilot. Such reports shall be provided within seven calendar days of the onset of the condition;
10. Refusing to comply with the board's requirement for a chemical test. Such test is required immediately and no later than 12 hours after involvement in a collision, grounding, or other incident resulting in personal injury, death, environmental hazard, or property damage in excess of \$100,000. Refusing to comply with this requirement may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;
11. Refusing to comply with any board requirement for chemical tests in any instance in which the board has cause to believe a test is necessary to protect the public health, safety, or welfare. Refusing to comply with this requirement may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;

12. Failing to send proof of any test required by subdivision 10 or 11 of this section to the president or vice president of the board with a copy to the board administrator within 48 hours of the administration of the test;
13. A positive finding as a result of, or on, any substance abuse or chemical test as a result of which the board believes there is a threat to the public health, safety, or welfare. Such a finding may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;
14. Evidence of impaired performance in any instance in which the board believes there is a threat to the public health, safety, or welfare. Such a finding may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;
15. Performing or attempting to perform any of the duties of his office or job while under the influence of illegal drugs;
16. Performing or attempting to perform any of the duties of his office or job while under the influence of alcohol or any medication (controlled substance or otherwise) to the extent that he was unfit for the performance of the duties of his office or job; and
17. Failing to comply with any of the provisions of 18VAC45-20-50.

Historical Notes:

Derived from VR535-01-01 §4.1, eff. November 30, 1989; amended, Virginia Register Volume 7, Issue 5, eff. January 3, 1991; Volume 10, Issue 20, eff. July 28, 1994; Volume 17, Issue 7, eff. February 1, 2001, Issue 21, eff. September 10, 2007; Volume 29, Issue 4, eff. December 1, 2012.

18VAC45-20-50. Random Chemical Testing

- A. All Virginia licensed branch pilots shall be subject to the random chemical testing as set forth in this chapter. Random chemical testing shall be conducted at an annual selection rate of not less than 30% and not more than 100% of total licensees. Licensees shall be responsible for all costs associated with random chemical testing. The chemical test shall be a comprehensive drug screen acceptable to the board that includes testing for controlled substances in Schedules I - V of Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1 of the Code of Virginia.

Only licensees on duty may be selected for random testing. A licensee selected for random chemical testing shall report for testing within two hours of notification. Failure to take a random chemical test is considered refusal to take the test.

B. Duties of licensee.

1. All licensees of this board shall enroll and participate in a random chemical testing program that meets the criteria of this chapter.
2. An on-duty licensee selected for random chemical testing shall report for testing within two hours of notification that he has been selected.
3. Licensees who receive a prescription for any medication from any health care provider shall have the following duties:
 - a. Give the health care provider a copy of the licensee's job description as a Virginia pilot;
 - b. Give the health care provider a complete list of medications used within the 30 days preceding the current visit;
 - c. Obtain a written statement from the health care provider stating if the new prescription is for a controlled substance (Schedules II - V of the Drug Control Act) and obtain a written statement from the health care provider as to the licensee's fitness to safely perform the duties found in the job description; and
 - d. If prescribed any medication containing a Schedule II - V controlled substance that is to be used within 12 hours of being on duty, make certain the MRO received by hand delivery or telefax each prescription written by any health care provider at the time such prescription is written along with a complete list of medications used by the licensee within the preceding 30 days.

C. The medical review officer shall:

1. Be completely familiar with all duties of a Virginia pilot.
2. Receive, evaluate and maintain records of all medications given to him by or on behalf of each Virginia pilot.
3. Receive, evaluate and maintain a record of each random chemical test taken by a Virginia pilot.
4. Any time the MRO finds the presence of a drug or alcohol that may impair the safe discharge of any duty of a Virginia pilot such that he is unfit to perform those duties, report his written findings to the licensee and president or vice president of the board and to the board's administrator.
5. Report in writing to the licensee, president or vice-president of the board, and the board's administrator of any delay or refusal by a licensee in reporting to testing or being tested.

6. To the extent consistent with state and federal law, protect the confidentiality of all licensee records.
7. Judge fitness to safely perform duties in the context of the licensee's prescription medications and the licensee's available medical history. Any time the MRO finds evidence that the Virginia pilot may be impaired in the safe discharge of any of his duties such that he may be unfit to perform those duties, his written finding shall be reported to the licensee and president or vice president of the board and to the board's administrator.

Historical Notes:

Derived from Virginia Register Volume 17, Issue 7, eff. February 1, 2001; amended, Virginia Register Volume 29, Issue 4, eff. December 1, 2012.

Included in this booklet are relevant excerpts from the *Code of Virginia*. Please note that the Virginia General Assembly is responsible for creating and amending the *Code*, not the Board for Branch Pilots. The version contained herein contains all changes, if any, that have been made by the General Assembly through the 2007 session. Any changes made during the 2007 session became effective July 1, 2007, unless otherwise noted. It is your responsibility to stay informed of revisions to the regulations and the statutes governing your profession or occupation. Please consult the General Assembly or your local library for annual changes.

**TITLE 54.1
PROFESSIONS AND OCCUPATIONS.**

**SUBTITLE II.
PROFESSIONS AND OCCUPATIONS REGULATED BY THE DEPARTMENT OF
PROFESSIONAL AND OCCUPATIONAL REGULATION AND BOARDS WITHIN THE
DEPARTMENT.**

**CHAPTER 9.
BOARD FOR BRANCH PILOTS.**

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Article 1.
Board for Branch Pilots.

§ 54.1-900. Definitions. - For the purposes of this chapter, unless the context requires a different meaning:

"Board" means the Board for Branch Pilots.

"Branch pilots" means pilots who have qualified and been licensed in accordance with the provisions of § 54.1-905.

"Limited branch pilots" means pilots who have qualified and been licensed in accordance with the provisions of § 54.1-909.

"Pilot" means branch pilot and limited branch pilot.

§ 54.1-901. Appointment and removal of members; quorum; clerk. - The Board for Branch Pilots shall consist of nine members to be appointed as follows: the Circuit Court of the City of Hampton shall appoint three persons, only one of whom shall be a branch pilot, and the Circuit Court of the City of Norfolk shall appoint four persons, only two of whom shall be branch pilots, and the Circuit Court of the City of Portsmouth shall appoint two persons, only one of whom shall be a branch pilot. The court which appointed a member may remove him for incapacity, neglect of duty or misconduct and may fill the vacancy.

Four members of the Board shall constitute a quorum. The Board shall appoint a clerk, who shall keep a record of the Board's proceedings.

§ 54.1-902. Regulations; suspension or revocation of license; penalty for violation. - A. The Board is authorized to promulgate regulations necessary for the proper government and regulation of pilots and to prescribe penalties for the violation of regulations in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Regulations may include the right to suspend or revoke the branch of any pilot. Such suspension or revocation may be in addition to any other penalty imposed by law for the violation.

Reasonable notice and an opportunity to be heard in accordance with the Administrative Process Act shall be given before the Board shall take any action to revoke or suspend the license of any licensee.

B. The Board may suspend a license of any person without a hearing, simultaneously with the institution of proceedings for a hearing, if it finds that there is substantial danger to the public health or safety which warrants such action. The Board may meet by telephone conference call when summarily suspending a license, if a good faith effort to assemble a quorum of the Board has failed and in the judgment of a majority of the members of the Board, the continued practice of the licensee constitutes a substantial danger to the public health or safety. Institution of proceeding for a hearing shall be provided simultaneously with the summary suspension. The hearing shall be scheduled within a reasonable time of the date of the summary suspension.

C. Before any penalty for violation of the regulations may be imposed, a printed copy of the regulations shall be furnished to each pilot.

§ 54.1-903. Decisions of controversies between pilots and masters, etc.; judgment of Board.

- The Board may decide any controversy between pilots or between a pilot and the master, owner, or consignee of any vessel, which may arise under any law concerning pilots in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). If the decision requires the payment of money, the Board shall enter a judgment therefor on the record of its proceedings. When an authorized officer receives a copy of the judgment, he shall enforce the payment as if it were an execution against the property of the debtor.

§ 54.1-904. Limitation of powers of Board. - Nothing in this chapter shall authorize the Board to decide upon the liability of a pilot or his apprentice to any person injured by his negligence or misconduct, or to prevent such person from recovering for any damage occasioned thereby.

Article 2.
Examination and Licensure.

§ 54.1-905. Examination of pilots; issuance of license; bonds and oath of office. - Applicants for examination shall submit to the Board a certificate from the circuit court in the county or city of their residence stating that the applicant is of good character and a resident of the Commonwealth. The applicant shall also submit proof that he has served as an apprentice for five years, including three years as a limited branch pilot. If the Board finds the applicant qualified to act as a branch pilot it shall issue him a license, and he shall thereupon become a state officer, to be known as a branch pilot and shall hold office as such for one year next ensuing. Before he may perform any of the duties of his office he shall give bond before the clerk of the circuit court of the county or city in which he resides in the penalty of \$500, conditioned for the faithful performance of his duties and he shall take the oath of office required by § 49-1.

Branch pilots may conduct and pilot any vessel.

§ 54.1-906. Expiration and renewal of licenses. - All licenses issued by the Board shall expire on December 31 of the year in which issued. Every pilot who holds a license as a branch pilot shall appear before the Board every twelve months, and, if the Board deems him qualified, it shall renew his license, which shall continue his term of office for one year following each renewal. Upon each renewal he shall appear before the clerk before whom he originally qualified, and renew his oath of office, but the bond given by him shall remain in force.

§ 54.1-907. Fee for original license and license renewal. - Upon the application for license as a branch pilot and each renewal thereof, the applicant for license or license renewal shall pay a fee established by the Board pursuant to § 54.1-113.

§ 54.1-908. State and local licenses prohibited. - No state, city, town or county licenses shall be assessed against any branch pilot.

§ 54.1-909. License as limited branch pilot. - Any apprentice may apply to the Board for a license as a limited branch pilot. The Board may grant him a license after proper examination if in the opinion of the Board the applicant is qualified. The Board may endorse on the license a limitation of draft or ship units as deemed proper and a limited branch pilot shall perform his duties of piloting and conducting vessels within the limitation imposed by his license.

Article 3. Duties and Liabilities of Master, etc.

§ 54.1-910. What vessels to take pilots and where. - The master of every vessel, other than vessels exclusively engaged in the coastwise trade and those made exempt by United States statutes, inward bound from sea to any port in Virginia or any intermediate or other point in Hampton Roads, the Virginia waters of Chesapeake Bay, or in any navigable river in Virginia which flows into Chesapeake Bay or Hampton Roads, shall take the first Virginia pilot that offers his services. Any such vessel outward bound, or bound from one port or point in Virginia to another port or point, shall take the first Virginia pilot that offers his services at the port, point, or place of departure or sailing. Any master refusing to do so shall immediately pay to such pilot full pilotage from the point where the services are offered to the point of destination of the vessel.

§ 54.1-911. Notice to pilot officers. - The master, agent or consignee of any vessel requiring a pilot shall give at least two hours' notice of the need for a pilot to the pilot officers.

§ 54.1-912. Employing unlicensed pilots. - No master shall employ any person who is not licensed as a pilot to act as a pilot of his vessel.

§ 54.1-913. Concealing name of vessel. - The master of a vessel shall not conceal or obscure or refuse to disclose the name of his vessel when spoken to by a pilot.

Article 4. Duties, Rights and Powers of Pilots.

§ 54.1-914. Keeping pilot boat. - Every pilot, or the company to which he belongs, shall keep one sufficient boat of at least thirty feet keel.

§ 54.1-915. Pilot first meeting vessel at sea to have preference. - The first pilot who meets a

vessel coming in, which his branch entitles him to conduct, shall have the right to take charge of and conduct her into port.

§ 54.1-916. Discretion of pilot piloting vessel. - Any pilot piloting a vessel shall have full discretion as to when the vessel shall be piloted to or from sea, or to or from any port or place within the Commonwealth or situated within any of the waters referred to in § 54.1-910. The pilot's discretion shall be exercised in a reasonable way, with a view to the vessel's safety as well as with a view to the safety of the Commonwealth's waters and ports.

§ 54.1-917. Enforcement of suspension. - If any individual whose pilot's license has been suspended is found on board any vessel as a pilot, or offers to conduct any vessel, he may be dismissed from the vessel by any licensed pilot, to whom all the pilotage shall be paid. The Board may proceed against the individual under the provisions of § 54.1-924 as if the individual had never been licensed. An individual whose pilot's license has been suspended may also be proceeded against under § 54.1-111.

Article 5. Fees and Charges.

§ 54.1-918. State Corporation Commission to prescribe and enforce rates of pilotage and other charges. - The State Corporation Commission shall prescribe and enforce the rates of pilotage and other charges to be observed in the business of pilotage, but before the Commission fixes or prescribes rates or charges it shall give ten days' notice of the time and place of a hearing by publication in a newspaper of general circulation in each of the Cities of Norfolk, Portsmouth and Newport News. For the purpose of determining the fair basis of such rates and charges, the Commission shall, for the two years next preceding, have access to the books and records of the individual pilots who have no organized association, and of any association of pilots who have an organized association whose rates are to be fixed by the Commission, and shall have the same powers given by law in fixing rates and charges of transportation companies.

The Commission shall fix amounts that will be a fair charge for the service rendered. The Commission shall have due regard for necessary operating expenses, maintenance of, depreciation on, and return on investment in properties used and useful in the business of pilotage, and the rates and charges of pilotage at comparable and competing ports of the United States.

When such rates and charges have been fixed and prescribed by the Commission, they shall be the legal rates and charges of pilotage in Virginia, and shall be enforced as provided by law, and the Commission shall have the power to change or alter rates or charges after notice and hearing as provided in this section.

§ 54.1-919. Appeal from action of Commission. - From any action of the State Corporation Commission under § 54.1-918, an appeal may be taken by the individual pilots, company or association affected, or by any other person, firm or corporation aggrieved by such action, in the manner prescribed in Article IX, Section 4 of the Constitution of Virginia.

§ 54.1-920. Detention on seagoing vessel. - If a pilot is detained on board any seagoing vessel he shall be paid by the master, owner, or consignee of the vessel the rate prescribed by the State Corporation Commission for a day's detention for each day detained. If any pilot is carried beyond the limits of the Commonwealth against his will, he shall be entitled to recover \$300 from the master or owner of the vessel upon which he has been carried away.

§ 54.1-921. Quarantine detention. - If any pilot is permitted to go on board a vessel without being informed of a contagious or infectious disease on board, and is obligated to remain on board, or perform quarantine in consequence thereof he shall be paid for each day's detention in accordance with the rate prescribed for a day's detention by the State Corporation Commission.

§ 54.1-922. Liability for pilotage and other allowances. - The master and the owner of every vessel shall each be liable to the pilot for his pilotage and other allowances, and also the consignee or supercargo of any vessel not owned by a resident of the Commonwealth. If the consignee or supercargo refuses to become responsible to the pilot for his fees, the master or owner of the vessel shall, before she leaves her port of departure, deposit with some responsible person, subject to the order of the pilot, the amount of the pilotage due him.

§ 54.1-923. When pilot to produce branch. - Every pilot shall, if required, produce his branch at the time of demanding his fees, before he shall be entitled to receive the same.

Article 6. Offenses and Penalties Generally.

§ 54.1-924. Piloting, etc., vessel without license; how offenders proceeded against. - No person shall conduct or pilot a vessel to or from sea, or to or from any port or place in Virginia unless he is licensed under this chapter.

Warrants for persons violating this section may be issued by any magistrate, upon the oath of any party complaining, and shall be returnable to the Circuit Court of the City of Norfolk. After a bond hearing held pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2, the bond shall be returned by the judicial officer to the circuit court of the City of Norfolk, which shall have jurisdiction for trial of such misdemeanor.

§ 54.1-925. Exception as to vessels in distress. - Section 54.1-924 shall not prevent any person from assisting a vessel in distress.

§ 54.1-926. Pilot receiving unlawful fees. - No pilot shall demand or receive other than the lawful fee for any service. Any pilot who violates this section may be suspended by the Board

for up to six months.

§ 54.1-927. Violation of chapter a misdemeanor. - Any person who violates any of the provisions of this chapter shall be guilty of a Class 1 misdemeanor.



Department of Professional and Occupational Regulation

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