

BILL ANALYSIS

S.B. 1353
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Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under current law, pilot organizations in Houston, Galveston, and Matagorda have specific governing statutes, while pilots in Cameron County are governed under general pilotage laws. S.B. 1353 seeks to address this inequity while providing structured oversight for local pilots and ensuring safety, efficiency, and economic stability for vessels navigating Cameron County ports. The bill accomplishes this by creating a pilot board responsible for the licensing and regulation of local pilots.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1353 amends the Transportation Code to establish a pilot board for a navigation district located in Cameron County and set out provisions relating to the licensing and regulation of pilots in the board's jurisdiction.

Applicability

S.B. 1353 establishes that the bill's provisions apply, but statutory provisions relating to navigation district pilot boards generally do not apply, to the following:

- a navigation district located in Cameron County;
- the pilot board of a navigation district located in Cameron County;
- a pilot serving in the jurisdiction of the pilot board of a navigation district located in Cameron County; and
- a vessel in water under the jurisdiction of the pilot board of a navigation district located in Cameron County.

Pilot Board

S.B. 1353 establishes that the pilot board of a navigation district in Cameron County is composed of that navigation district's navigation and canal commissioners and that a member of the pilot board is a commissioner of pilots. The bill establishes that the term of office of a commissioner of pilots of the pilot board coincides with the person's term as a navigation and canal commissioner of that navigation district. The bill prohibits a person from being a commissioner of pilots if the person is engaged directly or indirectly in the following:

- a towing business;
- a pilot boat business; or

- another business affected by or connected with the performance of the duties of a commissioner of pilots.

S.B. 1353 establishes that the pilot board has exclusive jurisdiction over the pilotage of a vessel between the Gulf of Mexico and a port of the navigation district, including an intermediate stop or landing place on a navigable stream in the navigation district. The bill authorizes the pilot board to do the following:

- appoint, suspend, or dismiss a branch pilot or deputy branch pilot of a port in the navigation district;
- establish pilotage rates for service in the board's jurisdiction; and
- adopt and enforce rules consistent with the bill's provisions regarding the appointment, qualification, or regulation of branch pilots or deputy branch pilots in the board's jurisdiction as necessary to govern those pilots and properly operate the district's ports.

Regulation of Branch Pilots

S.B. 1353 requires the pilot board to examine and determine the qualifications of each applicant for the position of branch pilot or deputy branch pilot in the navigation district before licensing the branch pilot or certifying the deputy branch pilot, as applicable. To be eligible for a license as a branch pilot in the jurisdiction of the pilot board, a person must:

- be at least 25 years of age;
- be a United States citizen;
- as of the date the license is issued, have resided continuously in Texas for at least one year;
- be licensed under federal law to act as a pilot on vessels that navigate water on which the applicant will furnish pilot services;
- have at least 30 months' service as a deputy branch pilot or equivalent service piloting vessels on water in the board's jurisdiction;
- have commanded or controlled the navigation of vessels such as the person would pilot under the license;
- have extensive experience in the docking and undocking of vessels;
- be in good mental and physical health;
- have good moral character;
- possess the requisite skill as a navigator and pilot to perform competently and safely the duties of a branch pilot;
- be selected for appointment by a branch pilot licensed for water in the board's jurisdiction; and
- submit to the board written documentation from such a licensed branch pilot that the person has successfully completed a deputy branch pilot training program approved by the board and is recommended for licensing as a branch pilot.

S.B. 1353 establishes that to be eligible for a certificate as a deputy branch pilot in the jurisdiction of the pilot board, a person must:

- be at least 25 years of age;
- be a United States citizen;
- hold a license under federal law to act as a pilot on vessels that navigate water on which the applicant will furnish pilot services;
- be in good mental and physical health;
- have good moral character;
- possess the requisite skill to perform competently and safely the duties of a deputy branch pilot; and
- be selected for appointment by a branch pilot licensed for water in the board's jurisdiction.

The bill requires each pilot in the jurisdiction of the pilot board to execute a \$5,000 bond payable to the governor and conditioned on compliance with the laws, rules, and orders relating to pilots and on the faithful performance of the pilot's duties. The bill also requires the following:

- a person appointed as a pilot in the jurisdiction of the pilot board to take the official oath before entering service as a pilot under the board's jurisdiction;
- the official oath to be endorsed on the \$5,000 bond; and
- each bond be approved by the applicable pilot board and deposited in the office of the secretary of state.

On the filing of the bond and the taking of the oath, the bill requires a commissioner of pilots of the applicable pilot board to certify to the governor that the branch pilot has qualified. On receiving the certificate, the bill requires the governor to issue to the branch pilot, in the name of the state and under the state seal, a commission to serve as a branch pilot in the jurisdiction of the applicable pilot board.

S.B. 1353 establishes that the term of a branch pilot commission is four years and that if the pilot board dismisses a branch pilot from service in the board's jurisdiction, the branch pilot's commission expires. The bill authorizes only a branch pilot licensed for water in the jurisdiction of the pilot board to appoint a deputy branch pilot to serve in the board's jurisdiction. The bill authorizes a branch pilot serving in the jurisdiction of the pilot board to appoint two deputy branch pilots, subject to that board's examination and approval. The bill authorizes a branch pilot to appoint an additional deputy branch pilot if the pilot board considers the appointment advisable and establishes the following:

- a branch pilot who appoints a deputy branch pilot is responsible for the acts of the deputy branch pilot; and
- a branch pilot who appoints a deputy branch pilot without the approval of the applicable pilot board forfeits the pilot's appointment as a branch pilot.

The bill authorizes the pilot board to suspend or dismiss a pilot only as follows:

- for misconduct, inefficiency, or intoxication on duty; and
- after a hearing on the accusation is held before the pilot board at which there is opportunity for testimony and defense.

Pilotage Charges and Pilotage Rate Liability

S.B. 1353 establishes that pilotage charges under the bill's provisions do not apply to a vessel of 20 tons or less or that is excepted by a federal statute or regulation, except that such charges do apply to an autonomous vessel of any gross tonnage. The bill requires a pilotage rate charged by a pilot under the bill's provisions to be fair and just and requires a pilot to do the following:

- furnish a schedule of pilotage rates that must be on file at all times in the office of the navigation district's commissioners;
- file a revised schedule each time a change in the pilotage rates occurs; and
- strictly follow the schedule of rates on file in the office of the navigation district's commissioners.

The bill makes a vessel that, without the aid of a pilot serving in the jurisdiction of the pilot board, moves or is otherwise under way on any channel or waterway in that board's jurisdiction and that fails to use pilot services available from pilots serving in that jurisdiction, liable for the payment of twice the applicable pilotage rate to the first pilot serving in that jurisdiction who requests payment. The bill makes the consignee of a vessel liable to a pilot for the pilotage of the vessel and responsible for the payment for applicable pilot services available but not used.

S.B. 1353 makes a person, other than a pilot, who provides pilot services to a vessel under way or otherwise moving for which a pilot is required out of or into a port, channel, or waterway under the exclusive jurisdiction of the pilot board liable to any pilot authorized to provide pilot services in the port, channel, or waterway for a payment of twice the current rate that would be charged under the pilot's schedule of pilotage rates for the pilot services. The bill authorizes a pilot to bring an action to recover compensation for pilotage or services offered, including:

- pilot services rendered in accordance with the bill's provisions to a vessel in the jurisdiction of the pilot board;
- payment for pilot services available but not used; and
- payment for unauthorized pilot services.

The bill entitles a pilot prevailing in an action brought to recover payment for unauthorized pilot services to recover the pilot's court costs and reasonable attorney's fees.

Pilot Liability

S.B. 1353 establishes that the bill's provisions relating to pilot liability are for the purposes of maintaining pilotage fees at reasonable amounts and, in the public interest, stimulating and preserving maritime commerce on the pilotage grounds of Texas by limiting and regulating the liability of pilots. The bill establishes that a pilot serving in the jurisdiction of the pilot board is not liable directly or as a member of an organization of pilots for any claim that arises from an act or omission of another pilot or organization of pilots and relates directly or indirectly to pilot services. This provision applies only to an act or omission that occurs on or after the bill's effective date. An act or omission that occurs before the bill's effective date is governed by the law in effect on the date the act or omission occurred, and the former law is continued in effect for that purpose.

S.B. 1353 establishes that a pilot providing pilot services in the jurisdiction of the pilot board is not liable for more than \$1,000 for damage or loss caused by the pilot's error, omission, fault, or neglect in the performance of the pilot services, except for the following:

- damage or loss that arises because of the wilful misconduct or gross negligence of the pilot and for which no other person or vessel in rem is jointly or severally liable;
- liability for exemplary damages for gross negligence of the pilot and for which no other person or vessel in rem is jointly or severally liable; or
- an act or omission relating to the ownership and operation of a pilot boat unless the pilot boat is directly involved in pilot services other than the transportation of pilots.

These provisions do not exempt a vessel or its owner or operator from liability for damage or loss caused by the vessel to a person or property on the grounds that the vessel was piloted by a pilot or the damage or loss was caused by the error, omission, fault, or neglect of a pilot. The bill requires a court, in an action brought against a pilot for an act or omission for which liability is limited as provided by these provisions and in which other claims are made or anticipated with respect to the same act or omission, to dismiss the proceedings as to the pilot to the extent the pleadings allege pilot liability that exceeds \$1,000. These provisions apply only to an action commenced on or after the bill's effective date. An action commenced before the bill's effective date is governed by the law applicable to the action immediately before the bill's effective date, and that law is continued in effect for that purpose.

Definitions

S.B. 1353 defines the following terms for purposes of the bill's provisions:

- "consignee" as a person, including a master, owner, agent, subagent, firm, or corporation or any combination of those persons, who enters or clears a vessel at the office of the collector of customs;
- "navigation district" as a navigation district included under applicable Water Code provisions;
- "pilot" as a person who is licensed as a branch pilot or certified as a deputy branch pilot under the bill's provisions;
- "pilot services" as acts of a pilot in piloting through navigable water in Texas and ports in which the pilot is licensed or certified as a pilot;
- "pilotage rate" as the remuneration a pilot may charge a vessel for the pilot's services;

- "port" as a place in Texas into which a vessel enters or from which a vessel departs which, if the port connects to the Gulf of Mexico, includes the waterway leading from the port to the Gulf of Mexico; and
- "vessel" as an oceangoing vessel.

EFFECTIVE DATE

September 1, 2025.