

By: Hinojosa of Nueces

S.B. No. 1353

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of pilots in the jurisdiction of the pilot board of a navigation district located in Cameron County.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 62, Transportation Code, is amended by adding Section 62.002 to read as follows:

Sec. 62.002. APPLICABILITY OF CHAPTER. This chapter does not apply to a navigation district, pilot board, pilot, or vessel described by Section 71.002.

SECTION 2. Subtitle B, Title 4, Transportation Code, is amended by adding Chapter 71 to read as follows:

CHAPTER 71. CAMERON COUNTY PILOTS LICENSING AND REGULATORY ACT

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 71.001. DEFINITIONS. In this chapter:

(1) "Consignee" means 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.

(2) "Navigation district" means a navigation district included in:

(A) Subchapters C, D, E, F, G, and H, Chapter 60, Water Code;

(B) Subchapter E, Chapter 61, Water Code; or

1 (C) Sections 62.154 through 62.159, Water Code.

2 (3) "Pilot" means a person who is licensed as a branch
3 pilot or certified as a deputy branch pilot under this chapter.

4 (4) "Pilot services" means acts of a pilot in piloting
5 through navigable water in this state and ports in which the pilot
6 is licensed or certified as a pilot.

7 (5) "Pilotage rate" means the remuneration a pilot may
8 charge a vessel for the pilot's services.

9 (6) "Port" means a place in this state into which a
10 vessel enters or from which a vessel departs. If the port connects
11 to the Gulf of Mexico, "port" includes the waterway leading from the
12 port to the Gulf of Mexico.

13 (7) "Vessel" means an oceangoing vessel.

14 Sec. 71.002. APPLICABILITY OF CHAPTER. This chapter
15 applies only to:

16 (1) a navigation district located in Cameron County;

17 (2) the pilot board of a navigation district located
18 in Cameron County;

19 (3) a pilot serving in the jurisdiction of the pilot
20 board of a navigation district located in Cameron County; and

21 (4) a vessel in water under the jurisdiction of the
22 pilot board of a navigation district located in Cameron County.

23 SUBCHAPTER B. PILOT BOARDS OF NAVIGATION DISTRICTS

24 IN CAMERON COUNTY

25 Sec. 71.051. PILOT BOARD; COMMISSIONERS OF PILOTS. (a) The
26 pilot board of a navigation district in Cameron County is composed
27 of that navigation district's navigation and canal commissioners.

1 (b) A member of the pilot board is a commissioner of pilots.

2 Sec. 71.052. TERM OF OFFICE. The term of office of a
3 commissioner of pilots of the pilot board of a navigation district
4 in Cameron County coincides with the person's term as a navigation
5 and canal commissioner of that navigation district.

6 Sec. 71.053. DISQUALIFICATION. A person may not be a
7 commissioner of pilots of the pilot board of a navigation district
8 in Cameron County if the person is engaged directly or indirectly
9 in:

10 (1) a towing business;
11 (2) a pilot boat business; or
12 (3) another business affected by or connected with the
13 performance of the duties of a commissioner of pilots.

14 Sec. 71.054. JURISDICTION. The pilot board of a navigation
15 district in Cameron County has exclusive jurisdiction over the
16 pilotage of a vessel between the Gulf of Mexico and a port of that
17 navigation district, including an intermediate stop or landing
18 place on a navigable stream in that navigation district.

19 Sec. 71.055. POWERS OF PILOT BOARDS. The pilot board of a
20 navigation district in Cameron County may:

21 (1) appoint, suspend, or dismiss a branch pilot or
22 deputy branch pilot of a port in that navigation district;

23 (2) establish pilotage rates for service in that
24 board's jurisdiction; and

25 (3) adopt and enforce rules consistent with this
26 chapter regarding the appointment, qualification, or regulation of
27 branch pilots or deputy branch pilots in that board's jurisdiction

1 as necessary to govern those pilots and properly operate that
2 district's ports.

3 SUBCHAPTER C. REGULATION OF BRANCH PILOTS

4 AND DEPUTY BRANCH PILOTS

5 Sec. 71.101. PILOT QUALIFICATIONS. The pilot board of a
6 navigation district in Cameron County shall examine and determine
7 the qualifications of each applicant for the position of branch
8 pilot or deputy branch pilot in that navigation district before
9 licensing the branch pilot or certifying the deputy branch pilot,
10 as applicable.

11 Sec. 71.102. QUALIFICATIONS FOR LICENSE AS BRANCH PILOT.
12 To be eligible for a license as a branch pilot in the jurisdiction
13 of the pilot board of a navigation district in Cameron County, a
14 person must:

15 (1) be at least 25 years of age;
16 (2) be a United States citizen;
17 (3) as of the date the license is issued, have resided
18 continuously in this state for at least one year;

19 (4) be licensed under federal law to act as a pilot on
20 vessels that navigate water on which the applicant will furnish
21 pilot services;

22 (5) have at least 30 months' service as a deputy branch
23 pilot or equivalent service piloting vessels on water in that
24 board's jurisdiction;

25 (6) have commanded or controlled the navigation of
26 vessels such as the person would pilot under the license;

27 (7) have extensive experience in the docking and

undocking of vessels;

(8) be in good mental and physical health;

(9) have good moral character;

(10) possess the requisite skill as a navigator and pilot to perform competently and safely the duties of a branch pilot;

(11) be selected for appointment by a branch pilot licensed for water in that board's jurisdiction; and

(12) submit to the board written documentation from a branch pilot licensed for water in that board's jurisdiction that the person:

(A) has successfully completed a deputy branch pilot training program approved by that board; and

(B) is recommended for licensing as a branch pilot.

Sec. 71.103. QUALIFICATIONS FOR CERTIFICATE AS DEPUTY BRANCH PILOT. To be eligible for a certificate as a deputy branch pilot in the jurisdiction of the pilot board of a navigation district in Cameron County, a person must:

(1) be at least 25 years of age;

(2) be a United States citizen;

(3) hold a license under federal law to act as a pilot on vessels that navigate water on which the applicant will furnish pilot services;

(4) be in good mental and physical health;

(5) have good moral character;

(6) possess the requisite skill to perform competently

1 and safely the duties of a deputy branch pilot; and

2 (7) be selected for appointment by a branch pilot
3 licensed for water in that board's jurisdiction.

4 Sec. 71.104. OATH; BOND. (a) A person appointed as a pilot
5 in the jurisdiction of the pilot board of a navigation district in
6 Cameron County must take the official oath before entering service
7 as a pilot under that board's jurisdiction. The oath shall be
8 endorsed on the bond required by Subsection (b).

9 (b) Each pilot in the jurisdiction of the pilot board of a
10 navigation district in Cameron County must execute a \$5,000 bond
11 payable to the governor and conditioned on compliance with the
12 laws, rules, and orders relating to pilots and on the faithful
13 performance of the pilot's duties.

14 (c) Each bond must be approved by the applicable pilot board
15 and deposited in the office of the secretary of state.

16 Sec. 71.105. ISSUANCE OF BRANCH PILOT LICENSE. (a) On the
17 filing of the bond and the taking of the oath required by Section
18 71.104, a commissioner of pilots of the applicable pilot board
19 shall certify to the governor that the branch pilot has qualified.

20 (b) On receiving the certificate, the governor shall issue
21 to the branch pilot, in the name of the state and under the state
22 seal, a commission to serve as a branch pilot in the jurisdiction of
23 the applicable pilot board.

24 Sec. 71.106. TERM OF BRANCH PILOT'S COMMISSION. (a) The
25 term of a branch pilot commission is four years.

26 (b) If the pilot board of a navigation district dismisses a
27 branch pilot from service in that board's jurisdiction, the branch

1 pilot's commission expires.

2 Sec. 71.107. APPOINTMENT OF DEPUTY BRANCH PILOT. (a) Only
3 a branch pilot licensed for water in the jurisdiction of the pilot
4 board of a navigation district in Cameron County may appoint a
5 deputy branch pilot to serve in that board's jurisdiction.

6 (b) A branch pilot serving in the jurisdiction of the pilot
7 board of a navigation district in Cameron County may appoint two
8 deputy branch pilots, subject to that board's examination and
9 approval.

10 (c) A branch pilot may appoint an additional deputy branch
11 pilot under this section if the applicable pilot board considers
12 the appointment advisable.

13 (d) A branch pilot who appoints a deputy branch pilot under
14 this section is responsible for the acts of the deputy branch pilot.

15 (e) A branch pilot who appoints a deputy branch pilot under
16 this section without the approval of the applicable pilot board
17 forfeits the pilot's appointment as a branch pilot.

18 Sec. 71.108. SUSPENSION OR DISMISSAL OF PILOT. The pilot
19 board of a navigation district in Cameron County may suspend or
20 dismiss a pilot only:

21 (1) for misconduct, inefficiency, or intoxication on
22 duty; and

23 (2) after a hearing on the accusation is held before
24 the pilot board at which there is opportunity for testimony and
25 defense.

26 SUBCHAPTER D. PILOTAGE CHARGES AND PILOTAGE RATE LIABILITY

27 Sec. 71.151. APPLICABILITY OF PILOTAGE CHARGES TO CERTAIN

1 VESSELS. (a) Pilotage charges under this chapter do not apply to:

2 (1) a vessel of 20 tons or less; or

3 (2) a vessel that is excepted by a federal statute or
4 regulation.

5 (b) Notwithstanding Subsection (a), pilotage charges under
6 this chapter apply to an autonomous vessel of any gross tonnage.

7 Sec. 71.152. PILOTAGE CHARGES. (a) A pilotage rate charged
8 by a pilot under this chapter must be fair and just.

9 (b) A pilot shall furnish a schedule of pilotage rates under
10 this chapter that must be on file at all times in the office of the
11 navigation district's commissioners.

12 (c) Each time a change in the pilotage rates charged by a
13 pilot under this chapter occurs, the pilot must file a revised
14 schedule.

15 (d) A pilot shall strictly follow the schedule of rates on
16 file in the office of the navigation district's commissioners.

17 Sec. 71.153. CONSIGNEE LIABILITY FOR PILOT SERVICES. The
18 consignee of a vessel is liable to a pilot for the pilotage of the
19 vessel under this chapter.

20 Sec. 71.154. LIABILITY OF CERTAIN VESSELS DECLINING PILOT
21 SERVICES. (a) A vessel that, without the aid of a pilot serving in
22 the jurisdiction of the pilot board of a navigation district in
23 Cameron County, moves or is otherwise under way on any channel or
24 waterway in that board's jurisdiction and that fails to use pilot
25 services available from pilots serving in that jurisdiction, is
26 liable for the payment of twice the applicable pilotage rate to the
27 first pilot serving in that jurisdiction who requests payment.

1 (b) The consignee of a vessel is responsible for the payment
2 for pilot services available but not used under Subsection (a).

3 Sec. 71.155. UNAUTHORIZED PILOT LIABILITY. A person, other
4 than a pilot, who provides pilot services to a vessel under way or
5 otherwise moving for which a pilot is required out of or into a
6 port, channel, or waterway under the exclusive jurisdiction of the
7 pilot board of a navigation district in Cameron County is liable to
8 any pilot authorized to provide pilot services in the port,
9 channel, or waterway for a payment of twice the current rate that
10 would be charged under the pilot's schedule of pilotage rates for
11 the pilot services.

12 Sec. 71.156. RECOVERY OF PILOTAGE CHARGES. (a) A pilot may
13 bring an action to recover compensation for pilotage or services
14 offered, including:

15 (1) pilot services rendered in accordance with Section
16 71.152 to a vessel in the jurisdiction of the pilot board of a
17 navigation district in Cameron County;

18 (2) payment under Section 71.154 for pilot services
19 available but not used; and

20 (3) payment under Section 71.155 for unauthorized
21 pilot services.

22 (b) A pilot prevailing in an action brought under this
23 section to recover payment under Section 71.155 is entitled to
24 recover the pilot's court costs and reasonable attorney's fees.

25 SUBCHAPTER E. PILOT LIABILITY

26 Sec. 71.201. PURPOSE. The purpose of this subchapter is to:

27 (1) in the public interest, stimulate and preserve

maritime commerce on the pilotage grounds of this state by limiting and regulating the liability of pilots; and

(2) maintain pilotage fees at reasonable amounts.

Sec. 71.202. PILOT LIABILITY. A pilot serving in the jurisdiction of the pilot board of a navigation district in Cameron County is not liable directly or as a member of an organization of pilots for any claim that:

(1) arises from an act or omission of another pilot or organization of pilots; and

(2) relates directly or indirectly to pilot services.

Sec. 71.203. PILOT LIABILITY LIMITED. (a) A pilot providing pilot services in the jurisdiction of the pilot board of a navigation district in Cameron County 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 as provided by Subsection (b).

(b) Subsection (a) does not apply to:

(1) 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;

(2) 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

(3) 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.

(c) This section does not exempt a vessel or its owner or

1 operator from liability for damage or loss caused by the vessel to a
2 person or property on the grounds that:

3 (1) the vessel was piloted by a pilot; or

4 (2) the damage or loss was caused by the error,
5 omission, fault, or neglect of a pilot.

6 (d) In an action brought against a pilot for an act or
7 omission for which liability is limited as provided by this section
8 and in which other claims are made or anticipated with respect to
9 the same act or omission, the court shall dismiss the proceedings as
10 to the pilot to the extent the pleadings allege pilot liability that
11 exceeds \$1,000.

12 SECTION 3. (a) Section 71.202, Transportation Code, as
13 added by this Act, applies only to an act or omission that occurs on
14 or after the effective date of this Act. An act or omission that
15 occurs before the effective date of this Act is governed by the law
16 in effect on the date the act or omission occurred, and the former
17 law is continued in effect for that purpose.

18 (b) Section 71.203, Transportation Code, as added by this
19 Act, applies only to an action commenced on or after the effective
20 date of this Act. An action commenced before the effective date of
21 this Act is governed by the law applicable to the action immediately
22 before the effective date of this Act, and that law is continued in
23 effect for that purpose.

24 SECTION 4. This Act takes effect September 1, 2025.