

1-1 By: Hinojosa of Nueces S.B. No. 1353
1-2 (In the Senate - Filed February 18, 2025; March 6, 2025,
1-3 read first time and referred to Committee on Transportation;
1-4 March 27, 2025, reported favorably by the following vote: Yeas 9,
1-5 Nays 0; March 27, 2025, sent to printer.)

1-6 COMMITTEE VOTE

1-7	Yea	Nay	Absent	PNV
1-8	Nichols	X		
1-9	West	X		
1-10	Bettencourt	X		
1-11	Hagenbuch	X		
1-12	Hinojosa of Hidalgo	X		
1-13	Johnson	X		
1-14	King	X		
1-15	Miles	X		
1-16	Perry	X		

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to the licensing and regulation of pilots in the
1-20 jurisdiction of the pilot board of a navigation district located in
1-21 Cameron County.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter A, Chapter 62, Transportation Code,
1-24 is amended by adding Section 62.002 to read as follows:

1-25 Sec. 62.002. APPLICABILITY OF CHAPTER. This chapter does
1-26 not apply to a navigation district, pilot board, pilot, or vessel
1-27 described by Section 71.002.

1-28 SECTION 2. Subtitle B, Title 4, Transportation Code, is
1-29 amended by adding Chapter 71 to read as follows:

1-30 CHAPTER 71. CAMERON COUNTY PILOTS LICENSING AND REGULATORY ACT

1-31 SUBCHAPTER A. GENERAL PROVISIONS

1-32 Sec. 71.001. DEFINITIONS. In this chapter:

1-33 (1) "Consignee" means a person, including a master,
1-34 owner, agent, subagent, firm, or corporation or any combination of
1-35 those persons, who enters or clears a vessel at the office of the
1-36 collector of customs.

1-37 (2) "Navigation district" means a navigation district
1-38 included in:

1-39 (A) Subchapters C, D, E, F, G, and H, Chapter 60,
1-40 Water Code;

1-41 (B) Subchapter E, Chapter 61, Water Code; or

1-42 (C) Sections 62.154 through 62.159, Water Code.

1-43 (3) "Pilot" means a person who is licensed as a branch
1-44 pilot or certified as a deputy branch pilot under this chapter.

1-45 (4) "Pilot services" means acts of a pilot in piloting
1-46 through navigable water in this state and ports in which the pilot
1-47 is licensed or certified as a pilot.

1-48 (5) "Pilotage rate" means the remuneration a pilot may
1-49 charge a vessel for the pilot's services.

1-50 (6) "Port" means a place in this state into which a
1-51 vessel enters or from which a vessel departs. If the port connects
1-52 to the Gulf of Mexico, "port" includes the waterway leading from the
1-53 port to the Gulf of Mexico.

1-54 (7) "Vessel" means an oceangoing vessel.

1-55 Sec. 71.002. APPLICABILITY OF CHAPTER. This chapter
1-56 applies only to:

1-57 (1) a navigation district located in Cameron County;

1-58 (2) the pilot board of a navigation district located
1-59 in Cameron County;

1-60 (3) a pilot serving in the jurisdiction of the pilot
1-61 board of a navigation district located in Cameron County; and

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

SUBCHAPTER B. PILOT BOARDS OF NAVIGATION DISTRICTS

IN CAMERON COUNTY

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

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

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

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

(1) a towing business;

(2) a pilot boat business; or

(3) another business affected by or connected with the performance of the duties of a commissioner of pilots.

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

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

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

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

(3) adopt and enforce rules consistent with this chapter regarding the appointment, qualification, or regulation of branch pilots or deputy branch pilots in that board's jurisdiction as necessary to govern those pilots and properly operate that district's ports.

SUBCHAPTER C. REGULATION OF BRANCH PILOTS

AND DEPUTY BRANCH PILOTS

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

Sec. 71.102. QUALIFICATIONS FOR LICENSE AS BRANCH PILOT. To be eligible for a license as a 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) as of the date the license is issued, have resided continuously in this state for at least one year;

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

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

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

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

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

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

(b) Each pilot in the jurisdiction of the pilot board of a navigation district in Cameron County must 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.

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

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

(b) On receiving the certificate, the governor shall 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.

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

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

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

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

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

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

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

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

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

(2) after a hearing on the accusation is held before

the pilot board at which there is opportunity for testimony and defense.

SUBCHAPTER D. PILOTAGE CHARGES AND PILOTAGE RATE LIABILITY

Sec. 71.151. APPLICABILITY OF PILOTAGE CHARGES TO CERTAIN VESSELS. (a) Pilotage charges under this chapter do not apply to:

- (1) a vessel of 20 tons or less; or
- (2) a vessel that is excepted by a federal statute or regulation.

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

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

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

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

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

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

Sec. 71.154. LIABILITY OF CERTAIN VESSELS DECLINING PILOT SERVICES. (a) A vessel that, without the aid of a pilot serving in the jurisdiction of the pilot board of a navigation district in Cameron County, 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, is liable for the payment of twice the applicable pilotage rate to the first pilot serving in that jurisdiction who requests payment.

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

Sec. 71.155. UNAUTHORIZED PILOT LIABILITY. 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 of a navigation district in Cameron County is 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.

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

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

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

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

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

SUBCHAPTER E. PILOT LIABILITY

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

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

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

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

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

SECTION 3. (a) Section 71.202, Transportation Code, as added by this Act, applies only to an act or omission that occurs on or after the effective date of this Act. An act or omission that occurs before the effective date of this Act 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.

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

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

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