



SPONSOR: Rep. Q. Johnson & Sen. Sokola
Reps. Briggs King, Jaques, Keeley, Miro, Mulrooney,
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HOUSE OF REPRESENTATIVES
149th GENERAL ASSEMBLY

HOUSE BILL NO. 184

AN ACT TO AMEND TITLE 23 OF THE DELAWARE CODE RELATING TO THE BOARD OF PILOT
COMMISSIONERS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1 Section 1. Amend §114, Title 23 of the Delaware Code by making deletions as shown by strikethrough and
2 insertions as shown by underline as follows:

3 § 114 Apprenticeship program.

4 (a) According to the needs and dictates of commerce and the interests of public safety, the Board shall from time
5 to time solicit applications for and make appointments of apprentice pilots. No person shall be appointed to be an
6 apprentice who does not hold either a baccalaureate degree from either a recognized and duly certified college or university,
7 or from a maritime academy operated by the United States or a state, or a United States Coast Guard issued license to serve
8 as third-mate on all oceans or master in near coastal waters aboard vessels of no less than 1600 tons, or a higher class of
9 license. The number of apprentices at any 1 time shall be under the control and within the discretion of the Board of Pilot
10 Commissioners. Apprenticeship openings, as they occur, shall be advertised for a period of not less than 1 week in a daily
11 paper of general circulation.

12 (b) No person shall be appointed to be an apprentice who has committed any acts which are grounds for
13 disciplinary action under this chapter except that the Board may waive such disqualification after a hearing that may
14 include a review of documentation demonstrating that the person meets the criteria for a waiver if it finds:

15 (1) More than 5 years has elapsed since the date of the felony conviction:

16 (2) The person is not incarcerated, on work release, probation, parole or serving any part of a suspended
17 sentence;

18 (3) The person is in substantial compliance with all court orders relating to fines, restitution and community
19 service;

20 (4) The person is capable of practicing river piloting in a competent and profession manner;

21 (5) The granting of a waiver will not endanger the public health, safety or welfare; and

22 (6) The person has not been convicted of a felony sexual offense.

(b~~c~~) No person shall be entitled to a license in any class without first having completed the apprenticeship program enacted by regulation of the Board. The period of apprenticeship shall be 4 years, excepting those apprentices who, at the time of appointment, held the above-described third-mate's or master's license, whose apprenticeship need be no longer than 3 years. Apprentices must make a total of at least 500 trips over the route during their apprenticeship in vessels with first or second class pilots.

(e~~d~~) This section shall apply to all apprentices appointed after May 4, 1993.

Section 2. Amend §118, Title 23 of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 118 Grounds for discipline.

(a) Pilots regulated under this chapter shall be subject to disciplinary action if after a hearing the Board finds:

(1) Illegal, incompetent or negligent conduct in the performance of piloting;

(2) Excessive use or abuse of drugs (including alcohol, narcotics or chemicals);

(3) Failure to file a marine casualty report;

(4) Failure to obey rule of the nautical road;

(5) Violation of a lawful provision of this chapter, or any lawful regulation established thereunder;-

(6) A license to practice as a river pilot has been subjected to discipline in any jurisdiction; or

(7) Conviction of a crime substantially related to the practice of river piloting.

SYNOPSIS

This bill adds to the requirements for licensure as a River Pilot Apprentice that an applicant not have been convicted of a crime substantially related to the practice of river piloting. This bill empowers the Board of Pilot Commissioners to waive such a disqualifier to licensure if it finds that the applicant is otherwise capable of practicing in a safe and competent manner, and the granting of a waiver will not endanger the public health, safety, or welfare. This language tracks that which is already included in most Title 24 boards' statutes. This bill also empowers the Board of River Pilot Commissioners to discipline any licensee who is convicted of a crime substantially related to the practice of river piloting after obtaining licensure, and to discipline any licensee who has a river pilot license disciplined by another jurisdiction. This language also tracks that which is already included in most Title 24 boards' statutes.