

# **BOARD FOR BRANCH PILOTS**

## ***Tentative MEETING AGENDA***

**June 12, 2023 at 10:30 p.m.**

**Board Room**

**Norfolk, Virginia**

1. Call to Order
2. Safety Evacuation Instructions
3. Approval of Agenda
4. Approval of Minutes
  - March 13, 2023 Board Meeting
  - April 3, 2023 Cell Phone Usage Committee Meeting
  - April 3, 2023 Regulatory Review Committee Meeting
  - May 22, 2023 Regulatory Review Committee Meeting
5. Public Comment Period\*
6. Resolution: Christine Piersall
7. Notification Letter – Captain Evans – MV MARINE WISDOM
8. Cell Phone Usage Committee Update
9. Regulatory Review Committee Update
  - Proposed Regulatory and Statutory Changes
10. Major Incident Response Plan
11. 2024 Branch Pilot Continuing Education
12. Financial Statements
13. Other Business
14. Conflict of Interest Forms / Travel Vouchers
15. Adjourn

\*Five minute public comment, per person, with the exception of any open disciplinary or application files. See page two for instructions on providing public comment.

\*\**The meeting is open to the public; however, a portion of the Board's business may be discussed in closed session pursuant to Va. Code § 2.2-3711(A)(8).*

**NEXT BOARD MEETING SCHEDULED FOR SEPTEMBER 15, 2023 AT 10:30 A.M.**

Agenda materials made available to the public do not include written advice of legal counsel or other information protected by the attorney-client privilege pursuant to Va. Code § 2.2-3705.1(2).

- **Call to Order**
- **Safety Evacuation Instructions**

DRAFT AGENDA

Materials contained in this agenda are proposed topics for discussion  
And are not to be construed as regulation or official board position

**BOARD FOR BRANCH PILOTS MEETING  
MINUTES**

The Virginia Board for Branch Pilots met on March 13, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Aaron Anseeuw  
Captain E. Waightstill Avery  
I. Vincent Behm, Jr  
Captain Robert H. Callis, III  
Captain J.W. Whiting Chisman, III  
Michael W. Coleman  
Captain January N. Collins  
Patrick B. McDermott  
Christine N. Piersall

Staff present for all or part of the meeting were:

Tom Payne, Deputy Director  
Kathleen R. Nobsch, Executive Director  
Bonnie Davis, Regulatory Operation Administrator

Elizabeth Peay was present from the Office of the Attorney General.

Member of the Audience included:

Captain Kevin P. Eley, President of Independent Docking Pilots Inc, Mark Coberly, Manager, Maritime Law Department, Representative from Woods Rogers Vandeventer Black PLC, Captain Frank Rabena and Captain Clarence Young.

Finding a quorum of the Board present, Ms. Piersall, President, called the meeting to order at 10:30 a.m. **Call to Order**

Ms. Nobsch advised the Board of the emergency evacuation procedures. **Safety  
Evacuation  
Instructions**

Ms. Nobsch introduced and welcomed audience members Mark Coberly, Captain Rabena and Captain Young. She stated that we are expecting Ms. Hewlett, liaison board member of the Board for Professional and Occupational Regulation. **Welcome and  
Introduction**

Captain Avery moved to approve the agenda as presented. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall. **Approval of  
Agenda**

Mr. Behm moved to approve the minutes from the December 12, 2022 Board meeting as amended. Captain Callis seconded the motion which was **Approval of  
Minutes**

unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

Captain Eley provided information on American Harbor and Docking Pilots Association Gantry Crane Best Practices to minimize the risk of a vessel allision with a terminal gantry crane.

**Public Comment**  
**Period**

Captain Clarence Young, Chairman of the Navtech Committee for the Virginia Pilot Association, provided a presentation on Portable Pilot Units (PPU). He informed the Board that the size of vessels continues to increase and the use of PPUs is an additional tool used for safe navigation of ships. Branch Pilots have been using PPU technology since 1999. Presently, Branch Pilots use a PPU which incorporates an iPad and two Trelleborg CAT XT antennas which communicate with each other using a Wi-Fi signal. One of the antennas is connected by wire to the ships "pilot plug" while the other one is placed outside on the bridge wing and receives position data from a constellation of GPS satellites. Captain Young stated that even with radar, Electronic Chart Display and Information System (ECDIS) and PPU technology, Branch Pilots are still trained on the importance of first looking out the window to assess position and to use all means available to determine the vessels position or risk of collision with another vessel. Captain Callis stated that the National Oceanic and Atmospheric Administration (NOAA) will stop using paper charts in 2025. Captain Chisman stated that Captain Young is nationally recognized for his expertise of Navtech. Captain Chisman reiterated that Branch Pilots are trained to navigate by looking out the window and using all means available, not just their PPU.

**Portable Pilot**  
**Units (PPU)**  
**Presentation by**  
**Captain Young**

Captain Chisman presented information on the United States Coast Guard (USCG) Report on the M/V Ever Forward Grounding in Maryland in relation to Branch Pilot training and continuing education in Virginia. In Bridge Resource Management-Pilots (BRM-P) and Legal Aspects of Pilotage courses, which Branch Pilots started taking in the early 2000s, Branch Pilots are taught the danger of non-operational cell phone use on ships which results in distracted operations. In BRM-P Branch Pilot are also taught the dangers of "Power Distance" and the importance of Branch Pilots using all means available to determine a vessel's position.

**M/V Ever**  
**Forward**  
**Grounding -**  
**Maryland**

He also stated that Branch Pilots are trained that cell phone usage is strictly for operational use while on the vessel. The Board agreed by consensus to form a committee to discuss if the Board for Branch Pilots should draft a cell phone policy and to present a draft to the Board. Captain Chisman, Mr. Behm, and Mr. McDermott agreed to participate in the committee and draft the cell phone use language to be presented at the next full Board meeting on June 12, 2023.

The Board reviewed the additional information provided by Captain Lyons. The File Review Committee made a recommendation that the letter be filed,

**Response from**  
**Captain Lyons –**

and the Board take no action, as there appears to be no violation of the Board's regulations or statutes. The Board moved to accept the recommendation and it was unanimously approved by Messrs., Mme., and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

**M/V MOL  
MAESTRO**

Captain Callis provided the Board with a report of examinations conducted by the Exam Administrators on March 13, 2023. The following report was made:

**Exam  
Administrator's  
Report**

Zachary Stewart Dodson answered oral questions related to the raise in grade. The subjects included safe anchoring positions in Lynnhaven, Cape Charles, and Sewell's Point, anchoring techniques for deep draft vessels, proper scope of chain, New Panamax containership transit guidelines, Tugboat bollard pull requirements for displacement and windage, vessel squat and adequate under-keel clearance, tidal transits through Cape Henry Channel, and safe vessel speed.

After considering the results of the examination, Captain Callis moved Captain Zachary Stewart Dodson be raised in grade from a Golf classification to a Hotel classification (91,000 gross tons and 47 feet maximum draft). Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott, and Piersall.

Ms. Piersall stated that the proposed marijuana language was reviewed, and the Board voted to submit the Notice of Intended Regulatory Action (NOIRA) at the March 15, 2022 meeting, but there was no formal vote to adopt the language. Captain Callis moved to adopt the marijuana language. Mr. Coleman seconded the motion which was unanimously approved by Mssrs., Mme. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Coleman, Collins, McDermott and Piersall.

**Proposed  
Regulations**

Ms. Nusbisch stated that Governor Youngkin's Executive Order No. 19 implements a 25% reduction in regulatory requirements. The Board has not started the review process to date. The Board agreed by consensus to form a committee to review the regulations. Captain Chisman, Captain Avery, and Mr. Coleman agreed to participate in the committee.

**Regulatory  
Review Update**

Ms. Nusbisch stated the Senate Bill (SB)1213/House Bill (HB)2180 Universal License Recognition which establishes criteria for an individual licensed, certified, or having work experience in another state to apply to a regulatory board within the Department of Professional and Occupational Regulation and be issued an occupational license or government certification if certain conditions are met. Ms. Peay stated Branch Pilots are not exempt, but it would be very difficult for an applicant from another state to be approved because navigation is different in each state. Mr. Coleman asked why Virginia Branch Pilots were not exempt. Mr. Behm asked if the bill had been signed and if there

**General  
Assembly Update**

is an opportunity to request an exemption. Mr. Payne will inquire if Branch Pilots can be exempt. This item will be placed on the June Board meeting agenda.

Ms. Nosbisch stated the financial statements were provided for informational purposes.

**Financial Statements**

Ms. Nosbisch reported that President Piersall's term as president ends May 31, 2023, but she will remain on the Board. Ms. Nosbisch thanked Ms. Piersall for her service as President and stated it was a pleasure working with her in that capacity. She stated that an election for President and Vice President is held every four years.

**Election of President and Vice President**

Ms. Nosbisch opened the floor for nominations for Board President. Mr. Behm nominated Mr. Coleman as President. Captain Avery seconded the motion. As there were no other nominations from the floor, Ms. Nosbisch closed the nominations. Mr. Coleman was approved by: Messrs. and Captains: Anseeuw, Avery, Behm, Callis, Chisman, Collins, McDermott, and Piersall. Mr. Coleman abstained.

Ms. Nosbisch opened the floor for nominations for Board Vice President. Mr. McDermott nominated Captain Chisman as Vice President. Mr. Coleman seconded the motion. As there were no other nominations from the floor, Ms. Nosbisch closed the nominations. Captain Chisman was approved by: Messrs. and Captains: Anseeuw, Avery, Behm, Callis, Coleman, Collins, McDermott, and Piersall. Captain Chisman abstained.

The Board congratulated Mr. Coleman and Captain Chisman.

There was no other business.

**Other Business**

Conflict of Interest forms and travel vouchers were completed by all members present.

**Conflict of Interest Forms and Travel Vouchers**

The meeting adjourned at 11:50 a.m.

**Adjourn**

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Christine Piersall, President

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Demetrios Melis, Secretary

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DRAFT AGENDA

**Cell Phone Usage Committee of the  
BOARD FOR BRANCH PILOTS MEETING  
MINUTES**

The Cell Phone Usage Committee of the Virginia Board for Branch Pilots met on April 3, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

I. Vincent Behm, Jr  
Captain J.W. Whiting Chisman, III  
Patrick B. McDermott

Staff present for all, or part of the meeting were:

Kathleen R. Nosbisch, Executive Director  
Bonnie Davis, Regulatory Operation Administrator

Elizabeth Peay was not present from the Office of the Attorney General with regrets.

Finding a quorum of the Board present, Captain Chisman, Vice President, **Call to Order**  
called the meeting to order at 11:00 a.m.

Ms. Nosbisch advised the Board of the emergency evacuation procedures. **Safety  
Evacuation  
Instructions**

Captain Chisman requested an amendment to the agenda to include the election of a Chair to the committee. Mr. Behm moved to approve the amended agenda. Mr. McDermott seconded the motion which was unanimously approved by Messrs., Mme. and Captains: Behm, Chisman, and McDermott. **Approval of  
Agenda**

Captain Chisman opened the floor for nominations for Chair to the Cell Phone Usage Committee. Mr. Behm nominated Captain Chisman as Chair. Captain Chisman declined the nomination and nominated Mr. McDermott. Mr. McDermott accepted the nomination. Mr. Behm seconded the motion. As there were no other nominations from the floor, Capt. Chisman closed the nominations. Mr. McDermott was approved as Chair of the Committee by: Messrs. and Captains: Behm, Chisman, and McDermott. **Election of Chair**

There was no public comment. **Public Comment  
Period**

Mr. McDermott stated he reviewed the Board's statutes, and the Board has authority to promulgate regulations and take action, when necessary, but not authorized to create policies. He stated as a Board if there is an incident we would take action. If you have a policy on one subject, to be consistent, you **Cell Phone Usage  
Draft Language**



would need a policy on everything. He stated, in his opinion, a policy is not necessary. . Captain Chisman agreed with Mr. McDermott and referenced the committee back to the March 2023 meeting of the Board concerning training that branch pilots have taken since the early 2000s. He also stated that cell phones are necessary equipment for branch pilots to conduct their duties and pointed out that the USCG does not prohibit the use of cell phones as they acknowledge the necessity to have them. Pilots are taught in Bridge Resource Management-Pilots and Legal Aspects of Pilotage courses the danger of non-operational cell phone use as well as nonoperational use of other electronic devices on ships which results in distracted operations. The Board may consider communicating directly to the licensees the Board's opinion regarding the non-operational use cell phone and other electronic devices however this was expressed in the minutes of the March Board meeting. Mr. Behm stated if the Board limits a pilot's use of a cell phone, the pilot could choose not to use it at all.

The Committee is aware of the M/V Ever Forward incident in Maryland and has read the Coast Guard report and recommendation to adopt a cell phone policy. The Committee determined that the pilot actions in the findings in the USCG Report of Investigation of the M/V Ever Forward incident are presently covered by current regulations in Virginia and that no further action is required. The Committee agreed by consensus not to develop a cell phone usage policy and will recommend this to the Board

This item will be placed on the June 12, 2023 Board meeting agenda.

There was no other business.

Conflict of Interest forms and travel vouchers were completed by all members present.

The meeting adjourned at 11:38 a.m.

**Other Business**

**Conflict of Interest Forms and Travel Vouchers**

**Adjourn**

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Patrick McDermott, Chair

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Demetrios Melis, Secretary

**Regulatory Review Committee of the  
BOARD FOR BRANCH PILOTS MEETING  
MINUTES**

The Regulatory Review Committee of the Virginia Board for Branch Pilots met on April 3, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain E. Waightstill Avery  
Captain J.W. Whiting Chisman, III  
Michael W. Coleman

Staff present for all, or part of the meeting were:

Stephen Kirschner, LRPD Deputy Director  
Kathleen R. Nosbisch, Executive Director  
Bonnie Davis, Regulatory Operation Administrator

Elizabeth Peay was not present from the Office of the Attorney General with regrets.

Finding a quorum of the Board present, Captain Chisman, Vice President, **Call to Order**  
called the meeting to order at 12:20 p.m.

Ms. Nosbisch advised the Board of the emergency evacuation procedures. **Safety  
Evacuation  
Instructions**

Captain Chisman requested an amendment to the agenda to include the election of a Chair to the committee. Captain Avery moved to approve the amended agenda. Mr. Coleman seconded the motion which was unanimously approved by Messrs., Mme., and Captains: Avery, Chisman, and Coleman. **Approval of  
Agenda**

Captain Chisman opened the floor for nominations for Chair to the Regulatory Review Committee. Captain Avery nominated Mr. Coleman as Chair. Mr. Coleman accepted the nomination. Captain Chisman seconded the motion. As there were no other nominations from the floor, Captain Chisman closed the nominations. Mr. Coleman was approved Chair of the Committee by: Messrs. and Captains: Avery, Chisman, and Coleman. **Election of Chair**

There was no public comment. **Public Comment  
Period**

Mr. Coleman asked Ms. Nosbisch to summarize the regulatory review process and the responsibilities of the Committee. Ms. Nosbisch provided a summary of the regulatory review process. Captain Chisman requested the Committee also review the statutes to suggest updates to the General Assembly. A discussion took place regarding the Governor's directive of 25% reduction in **Regulations of  
the Board for  
Branch Pilots**

regulations burden. Ms. Nosbisch stated that if there is a federal requirement, then the requirement is not necessary in the regulations. A discussion took place regarding the distinction between federal regulation and state regulation of pilotage, the jurisdiction of the Commonwealth over pilotage within the waterways of the Commonwealth, the need for distinct state regulations to ensure public safety and waterborne commerce, and the experience required to become a branch pilot.. The Committee reviewed the statutes and regulations. The Committee agreed to meet again on May 22, 2023 at 11:00 a.m.

There was no other business.

Conflict of Interest forms and travel vouchers were completed by all members present.

The meeting adjourned at 3:22 p.m.

**Other Business**

**Conflict of  
Interest Forms  
and Travel  
Vouchers**

**Adjourn**

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Michael Coleman, Chair

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Demetrios Melis, Secretary

**Regulatory Review Committee of the  
BOARD FOR BRANCH PILOTS MEETING  
MINUTES**

The Regulatory Review Committee of the Virginia Board for Branch Pilots met on May 22, 2023, at the Virginia Port Authority, 600 World Trade Center, Norfolk, Virginia, with the following members present:

Captain E. Waightstill Avery  
Captain J.W. Whiting Chisman, III  
Michael W. Coleman

Staff present for all, or part of the meeting were:

Stephen Kirschner, LRPD Deputy Director  
Kathleen R. Nosbisch, Executive Director  
Bonnie Davis, Regulatory Operation Administrator

Elizabeth Peay was not present from the Office of the Attorney General with regrets.

Member of the Audience included:

Mark Coberly, Manager, Maritime Law Department, Representative from Woods Rogers Vandeventer Black PLC

Finding a quorum of the Board present, Michael Coleman, called the meeting to order at 12:02 p.m. **Call to Order**

Ms. Nosbisch advised the Board of the emergency evacuation procedures. **Safety  
Evacuation  
Instructions**

Captain Avery moved to approve the agenda. Captain Chisman seconded the motion which was unanimously approved by Mr. Coleman and Captains Avery and Chisman. **Approval of  
Agenda**

There was no public comment. **Public Comment  
Period**

Captain Chisman informed the committee that after their first meeting on April 3, 2023, he met with representatives of the American Pilots Association to review and discuss potential changes to Branch Pilot regulations and statutes. Captain Chisman then prepared a draft to present to the Regulatory Review Committee. **Draft  
Regulations of  
the Board for  
Branch Pilots**

The Committee reviewed Captain Chisman's recommended changes. Discussions took place regarding the regulations on Change of License; Grounds for Denial of Licensure, Denial of Renewal, or Discipline; Random Chemical Testing; and the duties of the Medical Review Officer.

The Committee reviewed the statutes and discussed a proposed addition to 54.1-918 and the addition of a branch pilot limited liability statute.

Ms. Nobsch stated that DPOR is developing its legislative package for the Administration to consider for the 2024 General Assembly session and the information is due by May 26, 2023 for consideration. Mr. Coleman stated the Committee will present statutory changes to the Board at its meeting on June 12, 2023. He asked that staff inform the Director of DPOR that the Board for Branch Pilots will provide its suggested statutory changes after the meeting on June 12, 2023.

Mr. Coberly provided information on branch pilot limited liability statutes.

The Committee agreed by consensus to present the proposed changes to the regulations and statutes to the next Board meeting on June 12, 2023.

There was no other business.

Conflict of Interest forms and travel vouchers were completed by all members present.

The meeting adjourned at 1:37 p.m.

**Other Business**

**Conflict of Interest Forms and Travel Vouchers**

**Adjourn**

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Michael Coleman, Chair

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Demetrios Melis, Secretary

- **Public Comment**
- **Resolution: Christine Piersall**

DRAFT AGENDA

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# ➤ Cell Phone Usage Committee Update

DRAFT AGENDA

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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](http://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 Maryland Drive, Suite 400  
Richmond, Virginia 23233

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

**TABLE OF CONTENTS**

REGULATIONS:

18VAC45-20-05	Definitions .....	2
18VAC45-20-10	Initial Licensing.....	2
18VAC45-20-20	License Renewal.....	4
18VAC45-20-30	Change of License .....	5
18VAC45-20-40	Grounds for denial of licensure, denial of renewal, or discipline .....	5
18VAC45-20-50	Random Chemical Testing .....	7

EXCERPTS FROM THE CODE OF VIRGINIA:

Title 54.1, Chapter 9, §§ 54.1-900 through 54.1-927.....	10
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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. ~~Pull language signed...~~ 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 ~~enter new fee~~. 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 ~~credential~~ License with First Class Pilot endorsement issued by the United States Coast Guard, ~~and shall include radar observer endorsement unlimited, for the same waters of the Commonwealth, 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 credential license shall be submitted to the board, 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 ~~update fee~~. Each check or money order is to be made payable to the Treasurer of Virginia. All fees shall be nonrefundable.

**Commented [WC1]:** In between annual physicals and licensee is enrolled in random testing program

**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;

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DRAFT AGENDA

Volume 17, Issue 7, eff. February 1, 2001; Volume 23, Issue 9, eff. March 1, 2007; Volume 29, Issue 4, eff. December 1, 2012.

**18VAC45-20-20. 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 endorsement, with radar observer endorsement unlimited~~ issued by the United States Coast Guard for ~~the same waters of the Commonwealth 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~~enter new fee~~. 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 ~~credential License~~ with First Class Pilot endorsement, ~~with radar observer endorsement unlimited~~ issued by the United States Coast Guard for ~~the same waters of the Commonwealth 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;

DRAFT AGENDA

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4. Qualify in accordance with § 54.1-906 of the Code of Virginia; and
5. Pay a license renewal fee of \$60~~update fee~~. 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 e~~Endorsement issued by the United States Coast Guard, if applicable, for that additional area and pass a practical examination approved by the board and administered by the board's Examination Committee. Chisman to provide suggested language.

Branch Pilots who have a Full Branch license from Sea to Wolf Trap qualify to sit for a practical examination approved by the Board and administered by the Board's examination committee for the waters of Chesapeake Bay from Wolf Trap to Smith Point. Upon successful completion of the examination, the Branch Pilot obtains a Full Branch license from Wolf Trap to Smith Point and no Federal First Class Pilot endorsement is required.

**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

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~~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;

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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;~~
- ~~8-7.~~ 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;
- ~~9-8.~~ 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;
9. Refusing to comply with the board's requirement for a chemical test. Such test is required:
  - ~~10-•~~ i. 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-•~~ ii. ~~Refusing to comply with any board requirement for chemical tests in~~ any instance in which the board has reasonable cause to believe there is evidence of impaired performance and a test is necessary to protect the public health, safety, or welfare. Refusing to comply with this

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requirement may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;

iii. Under the provisions of 18VAC45-20-50.

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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;~~ **PARKING LOT**

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~~13.10. Evidence of impaired performance or a~~ **A** positive finding of as a result of, or on, any substance abuse or a chemical test as a result of which the board has reasonable grounds to believe 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;~~

~~15.11. Performing or attempting to perform any of the duties of his office or job while under the influence of illegal drugs; or performing or attempting to perform any of the duties of his office or job while under the influence of alcohol.~~ **marijuana** or any medication (controlled substance or otherwise) to the extent that he or she was unfit for the performance of the duties of his ~~or her~~ office or job

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~~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~~

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~~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.

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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~~ ~~email~~ 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 licensee shall ensure the medical review officer shall:~~ **PARKING LOT**

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, **marijuana**, 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.~~

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~~6. To the extent consistent with state and federal law, protect the confidentiality of all licensee records.~~

~~7.4. 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.**

Article 1.

Board for Branch Pilots.

54.1-900. Definitions.

54.1-901. Appointment and removal of members; quorum; clerk.

54.1-902. Regulations; suspension or revocation of license; penalty for violation.

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

54.1-904. Limitation of powers of Board.

Article 2.

Examination and Licensure.

54.1-905. Examination of pilots; issuance of license; bonds and oath of office.

54.1-906. Expiration and renewal of licenses.

54.1-907. Fee for original license and license renewal.

54.1-908. State and local licenses prohibited.

54.1-909. License as limited branch pilot.

Article 3.

Duties and Liabilities of Master, etc.

54.1-910. What vessels to take pilots and where.

54.1-911. Notice to pilot officers.

54.1-912. Employing unlicensed pilots.

54.1-913. Concealing name of vessel.

Article 4.

Duties, Rights and Powers of Pilots.

54.1-914. Keeping pilot boat.

54.1-915. Pilot first meeting vessel at sea to have preference.

54.1-916. Discretion of pilot piloting vessel.

54.1-917. Enforcement of suspension.

Article 5.

Fees and Charges.

54.1-918. State Corporation Commission to prescribe and enforce rates of pilotage and other charges.

54.1-919. Appeal from action of Commission.

54.1-920. Detention on seagoing vessel.

54.1-921. Quarantine detention.

54.1-922. Liability for pilotage and other allowances.

54.1-923. When pilot to produce branch.

Article 6.

Offenses and Penalties Generally.

54.1-924. Piloting, etc., vessel without license; how offenders proceeded against.

54.1-925. Exception as to vessels in distress.

54.1-926. Pilot receiving unlawful fees.

54.1-927. Violation of chapter a misdemeanor.

**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 is a resident of the Commonwealth. 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 the applicant a license, ~~and the applicant~~ 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 the applicant he may perform any of the duties of his or her office the applicant 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.~~

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§ 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 ~~gross tonnage/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

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

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**§ 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.

Notwithstanding the Commission's authority to fix rates and charges as provided herein, any association of pilots who have an organized association may, without Commission approval or the requirement of any filing other than as provided in this section, upon the affirmative resolution of said association of pilots, increase or decrease all classes of its rates for pilotage services at any time, provided, however, that such adjustments will not effect a cumulative net increase or decrease in excess of nine percent in such rates in any three-year period. Said association will promptly file any such revised rates with the Commission for informational purposes.

When such rates and charges have been fixed and prescribed by the Commission or otherwise amended as provided in this section, they shall be the legal rates and charges of pilotage in Virginia, and shall be enforced as provided by law, and the Commission and any

association of pilots who have an organized association shall have the power to change or alter rates or charges ~~after notice and hearing~~ as provided in this section.

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54.1-919? § 54.1-919. PILOT LIABILITY LIMITED.

(a) A pilot providing pilot services is not liable for more than \$5,000 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 damage or loss that arises because of the wilful misconduct or gross negligence of the pilot;

(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 \$5,000.

**§ 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 the minimum sea pilotage charge as per Schedule A of Virginia Pilotage Rates and Charges ~~\$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.

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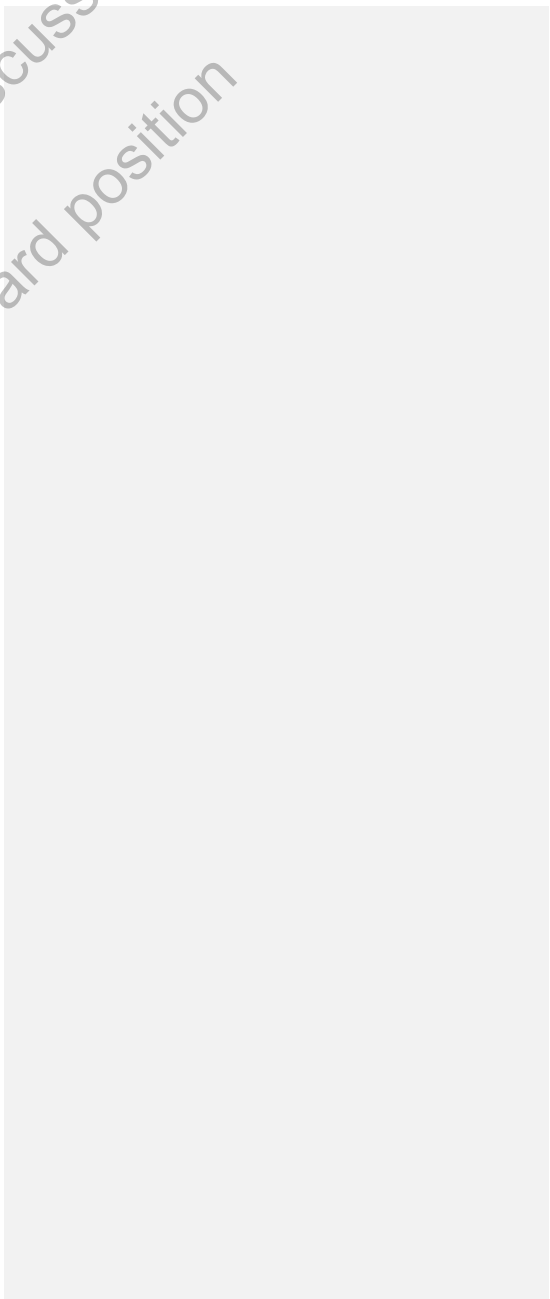
## NOTICE

PLEASE REFER TO FIRST PAGE OF BOOKLET FOR NOTES ON IMPORTANT CHANGES.

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- **Major Incident Response Plan**
- **2024 Branch Pilot Continuing Education**

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**Department of Professional and Occupational Regulation  
Statement of Financial Activity**

**Board for Branch Pilots  
954190**

2022-2024 Biennium

April 2023

	April 2023 Activity	Biennium-to-Date Comparison	
		July 2020 - April 2021	July 2022 - April 2023
<b>Cash/Revenue Balance Brought Forward</b>			2,258
<b>Revenues</b>	0	2,700	2,280
<b>Cumulative Revenues</b>			4,538
<b>Cost Categories:</b>			
<b>Board Expenditures</b>	427	2,548	2,430
<b>Board Administration</b>	7	122	128
<b>Administration of Exams</b>	0	0	0
<b>Enforcement</b>	0	1	1
<b>Legal Services</b>	0	4	4
<b>Information Systems</b>	8	85	74
<b>Facilities and Support Services</b>	2	52	37
<b>Agency Administration</b>	4	56	85
<b>Other / Transfers</b>	0	0	0
<b>Total Expenses</b>	450	2,868	2,759
<b>Transfer To/(From) Cash Reserves</b>	(45)	0	(128)
<b>Ending Cash/Revenue Balance</b>			1,908

<b>Cash Reserve Beginning Balance</b>	17,540	0	17,623
<b>Change in Cash Reserve</b>	(45)	0	(128)
<b>Ending Cash Reserve Balance</b>	17,495	0	17,495

<b>Number of Regulants</b>	
Current Month	38
Previous Biennium-to-Date	44

Department of Professional and Occupational Regulation  
 Supporting Statement of Year-to-Date Activity  
 Board for Branch Pilots - 954190  
 Fiscal Year 2023

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Fiscal YTD Charges	Planned Annual Charges	Current Balance	Projected Charges at 6/30	Projected Variance Favorable (Unfavorable)	
																	Amount	%
<b>Board Expenditures</b>	49	0	352	320	1	546	72	14	650	427	0	0	2,430	4,670	2,240	2,910	1,759	37.7%
<b>Board Administration</b>	19	13	13	7	12	21	7	12	18	7	0	0	128	197	69	144	53	27.0%
<b>Administration of Exams</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Enforcement</b>	0	0	0	0	0	0	0	0	0	0	0	0	1	1	0	1	0	25.5%
<b>Legal Services</b>	0	0	0	0	0	0	2	1	1	0	0	0	4	4	0	5	-1	-20.0%
<b>Information Systems</b>	5	8	6	5	7	7	7	12	8	8	0	0	74	102	28	87	15	14.8%
<b>Facilities / Support Svcs</b>	2	3	4	2	3	12	4	4	3	2	0	0	37	70	33	44	27	37.9%
<b>Agency Administration</b>	9	7	13	7	9	12	4	8	13	4	0	0	85	122	37	98	25	20.2%
<b>Other / Transfers</b>	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Total Charges</b>	<b>84</b>	<b>30</b>	<b>388</b>	<b>340</b>	<b>31</b>	<b>597</b>	<b>96</b>	<b>50</b>	<b>693</b>	<b>450</b>	<b>0</b>	<b>0</b>	<b>2,759</b>	<b>5,166</b>	<b>2,408</b>	<b>3,288</b>	<b>1,879</b>	<b>36.4%</b>

DRAFT AGENDA  
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- **Other Business**
- **Conflict of Interest Forms /  
Travel Vouchers**
- **Adjourn**

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