

TITLE 58

SHIPPING AND NAVIGATION

- Chapter 776. Pilots and Pilotage
777. Ports Generally
778. Port of Portland; Ports Embracing City of 100,000
780. Improvement and Use of Navigable Streams
783. Liabilities and Offenses Connected with Shipping and Navigation

Chapter 776

1955 REPLACEMENT PART

Pilots and Pilotage

BOARD OF PILOT COMMISSIONERS; ORGANIZATION; GENERAL FUNCTIONS			
776.010	Definitions	776.350	Application for license following rejection; ineligible former pilots
776.020	Description of bar and river pilotage grounds	776.360	Renewal of license; withholding renewal; hearing
776.030	Appointment of board members; term; va- cancies	776.370	Complaint against pilot, form, verification, service; hearing; application of section
776.040	Oath of pilot commissioners	776.380	Exhibition of license on boarding vessel
776.050	Qualifications of pilot commissioners	776.390	Liability of pilots and their sureties
776.060	Removal of commissioners	776.400	Authority of pilot generally
776.070	Organization of board; officers, terms	776.410	Compensation of pilots; bar service
776.080	Meetings; quorum	776.420	Compensation for river service and at Coos and Yaquina Bays; optional em- ployment of pilot
776.090	Authority to administer oath and issue subpenas	776.430	Monthly scale on being carried out to sea
776.100	Requisites of subpenas, service and return	776.440	Additional pay during period of detention aboard by bad weather
776.110	Penalty for refusal to appear or testify; contempt proceedings	776.450	Pilot's lien for compensation; personal lia- bility of certain persons
776.120	Secretary's bond	776.460	Order in which vessels must be spoken and served
776.130	Duties of secretary	776.470	Pilot license fees; statement by pilot of moneys received
776.140	General powers and duties of board	776.480	Failure to report; false report; effect
776.150	Annual report of board; contents	776.490	Recovery of penalties from pilots and wit- nesses; evidentiary effect of copy of entry or order
776.160	Interest of commissioner or secretary in pilot boat, tugboat or earnings prohib- ited; effect	776.500	Piloting vessel without license and over- charging prohibited
776.170	Compensation of commissioners and secre- tary		
PILOTS; LICENSING; COMPENSATION; GENERAL FUNCTIONS		PENALTIES	
776.310	Application for license; issuance of license	776.990	Penalties
776.320	Contents of license		
776.330	Qualifications of pilots		

CROSS REFERENCES

Administrative orders of state agencies, Ch. 183

Pilotage by ports, 777.125

Small watercraft traffic regulations, Ch. 488

776.080

Nonattendance of board members forfeits office,
182.010

Notice of board meetings, 182.020

776.120

Allowance for surety bond expense, 747.110

776.410

Tugboats, discriminatory charges by prohibited,
783.580

776.470

Expenditures without allotment prohibited in cer-
tain cases, 291.238

**BOARD OF PILOT COMMISSIONERS;
ORGANIZATION; GENERAL FUNCTIONS**

776.010 Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Board" means the Board of Pilot Commissioners.

(2) "President" means the president of the board.

(3) "Secretary" means the secretary of the board.

776.020 Description of bar and river pilotage grounds. (1) The Columbia River bar and pilotage ground extends from the uppermost dock or wharf at the port of Astoria or Knappton to the open sea at least 10 miles beyond the uttermost buoy.

(2) The Columbia and Willamette River pilotage ground extends from the lowermost dock or wharf at the port of Astoria to the head of navigation on the Columbia and Willamette Rivers and their tributaries.

(3) The Coos Bay bar pilotage ground extends from at least 10 miles beyond the uttermost buoy to the head of navigation on Coos Bay and its tributaries.

(4) The Yaquina Bay bar pilotage ground extends from at least 10 miles beyond the uttermost buoy to the head of navigation on Yaquina Bay and its tributaries.

776.030 Appointment of board members; terms; vacancies. (1) The pilot commissioners for the bar and river pilot grounds shall be appointed by the Governor for the term of two years each.

(2) Commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified.

(3) Vacancies shall be filled for the remainder of the term by the Governor.

776.040 Oath of pilot commissioners. Each commissioner before entering upon the duties of his office shall take and subscribe an oath of office, and file it with the Secretary of State, to the effect that he will support the Constitutions of the United States and of Oregon and faithfully discharge the duties of the office of pilot commissioner according to law and to the best of his ability.

776.050 Qualifications of pilot commissioners. Each pilot commissioner shall be qualified as follows:

(1) Each shall be over 21 years of age and a citizen of the United States and of this state.

(2) Each shall be a resident of Clatsop County, Columbia County or Multnomah County. At least one shall be a resident of Clatsop County and at least one a resident of Multnomah County.

(3) At least two of the commissioners shall hold or have held a master's license issued by the United States steamboat inspection service, and one of such two commissioners shall hold or have held a pilot's license under ORS 776.310. The third commissioner shall be familiar with shipping and river conditions.

776.060 Removal of commissioners. A pilot commissioner may be removed at any time during his term of office at the pleasure of the Governor.

776.070 Organization of board; officers; terms. (1) The pilot commissioners shall organize as a board, to be known as the Board of Pilot Commissioners, by the election of a president and secretary. The president shall hold office during his term as commissioner, and the secretary, at the pleasure of the board.

(2) If the commissioners fail to elect a president at the first meeting at which they may do so, then, and until they do so, the commissioner senior in age shall act as president.

776.080 Meetings; quorum. The board must appoint the time and place of its meetings, but the president may in the case of an emergency call a meeting upon reasonable notice to the other commissioners. A majority of the commissioners shall constitute a quorum for the transaction of business.

776.090 Authority to administer oath and issue subpoenas. The president of the board may administer oaths in any matter properly before the board for consideration or inquiry, and issue subpoenas for witnesses to appear before the board in like cases who may reside or be found within 120 miles from the place where the board is sitting.

776.100 Requisites of subpoenas, service and return. The subpoena shall be signed by the president and issue in the name of the State of Oregon. It may be served and returned in the manner and with like effect as a subpoena issued by a county clerk.

776.110 Penalty for refusal to appear or testify; contempt proceedings. A witness who neglects or refuses to obey the subpoena or who neglects or refuses to answer any lawful questions concerning any matter then pending before the board, shall forfeit and pay to the use of the board a penalty of \$100. The witness may also be proceeded against, upon the complaint of the president, in the circuit court for the county in which such witness was served or required to appear, as for a contempt of the authority of that court, as provided in ORS 33.010 to 33.140.

776.120 Secretary's bond. Before entering upon the duties of his office, the secretary must file with the Secretary of State his official undertaking in the sum of \$3,000, signed by himself and two sureties. The undertaking shall be approved by the president of the board, and shall be substantially in the following form:

Whereas, A. B., on ———, 19—, was appointed secretary of the Board of Pilot Commissioners, we, A. B. for himself, and C. D. and E. F. as his sureties, do hereby undertake that if A. B. neglects to perform his duties as such secretary, or fails to pay over and account for according to law all moneys which may come into his hands by virtue of his office, then we or either of us will pay to the State of Oregon for the use of whom it may concern, the amount of all damage or loss by such neglect or failure, not exceeding \$3,000.

776.130 Duties of secretary. The secretary shall:

(1) Keep a correct journal of the proceedings of the board.

(2) Issue and countersign licenses to pilots when ordered by the board.

(3) Keep a register of the name and residence of each pilot licensed for the bar or river pilot ground, and, in the former case, the name of the boat to which he is attached, together with the date of such license, and the suspension and revocation of the same, if any.

(4) Act as treasurer of the board, and as such receive and safely keep all moneys paid to the board and disburse the moneys according to the order of the board; and keep full and correct accounts of all such receipts and disbursements.

(5) Perform such other duties consistent

with law as the board directs and be otherwise subject to its control in the discharge of his duties.

776.140 General powers and duties of board. The board shall maintain a sufficient number of pilots upon the bar and river pilot ground to meet the demands of commerce, and exercise a general supervision over the subject of pilotage upon pilot grounds, and to that end may do and provide as follows:

(1) Examine and license pilots for the pilot grounds.

(2) Hear and determine all complaints against any of the pilots.

(3) Make and alter rules for the government of the pilots and the maintenance of an efficient pilot service on the pilot grounds described in ORS 776.020 not inconsistent with the laws of this state or the United States, and enforce the rules by any lawful and convenient means, including the suspension or removal of any such pilot and the imposition on him of a penalty of not to exceed \$250 for any violation thereof.

776.150 Annual report of board; contents. The board shall make a report to the Governor by August 1 annually. The report shall contain:

(1) A summary of the board proceedings for the year ending June 30, including a copy of all rules made by it.

(2) A statement for all moneys paid for pilotage on each of the pilot grounds described in ORS 776.020, and an account of all moneys received by the board from any other and what source, and the disposition of such moneys.

(3) A summary of the facts concerning the vessels crossing the Columbia River, Coos Bay and Yaquina Bay bars, and the issuing and revocation of licenses of which the secretary is required to keep a register.

(4) Any recommendation or other information which may in its judgment be of interest or advantage to the pilot service or commerce of the Columbia River.

776.160 Interest of commissioner or secretary in pilot boat, tugboat or earnings prohibited; effect. Neither of the commissioners nor the secretary shall have any interest in a pilot boat or steam tug, nor in the earnings thereof, other than for the compensation provided in ORS 776.170. Any one violating this section forfeits his office.

776.170 Compensation of commissioners and secretary. (1) The fees and compensation of the pilot commissioners shall be:

(a) For hearing and determining any complaint, \$5 per day each, to be paid out of the State Treasury on warrants of the Secretary of State.

(b) For making semiannual tours of inspection, and their report to the Legislative Assembly, the commissioners shall receive \$300 each per annum, to be paid semiannually out of the State Treasury on the warrants of the Secretary of State; provided, that if any member of the board fails to make such tour of inspection, no warrant shall be issued to such member.

(2) The secretary shall receive a salary of \$900 per annum out of the State Treasury on the warrants of the Secretary of State.

776.180 to 776.300 [Reserved for expansion]

PILOTS; LICENSING; COMPENSATION; GENERAL FUNCTIONS

776.310 Application for license; issuance of license. An application for a pilot's license shall be made in writing to the board, stating briefly the applicant's name, place of birth, age, and experience as a navigator and pilot. If, upon careful examination, the applicant is found worthy and qualified as provided in ORS 776.330, he shall be licensed for the term of one year.

776.320 Contents of license. A pilot license shall be issued in the name of the State of Oregon and contain a designation of the pilot ground for which it is intended. The license must be signed by the president and countersigned by the secretary. [Amended by 1953 c.140 §2]

776.330 Qualifications of pilots. (1) No person shall be licensed as a pilot unless:

(a) He is an American citizen of at least 21 years of age.

(b) He is of temperate habits and good moral character.

(c) He possesses the requisite skill and the experience as a navigator and pilot, together with practical knowledge of the currents, tides, soundings, bearings and distances of the several shoals, rocks, bars, points of landings, lights and fog signals of or pertaining to the navigation of the pilot ground for which he applies for a license to act as pilot.

(2) An applicant for a license over river pilot ground must have at least one year's continuous experience piloting vessels in the domestic trade prior to making application for a license, and must have had the necessary experience in handling vessels through the bridges, with and without towboats, under varying conditions.

776.340 [Repealed by 1953 c.297 §2]

776.350 Application for license following rejection; ineligible former pilots. (1) A person whose application for a pilot license has been refused may apply again after the expiration of six months, but not sooner.

(2) A person whose license has been revoked or withheld for negligently, ignorantly, or wilfully running a vessel aground or on shore, or otherwise putting her in danger of serious injury, is thereafter ineligible to receive a license as pilot.

776.360 Renewal of license; withholding renewal; hearing. (1) A license granted to a pilot under this chapter shall, as a matter of course, be annually renewed, unless the board determines that there is good cause for withholding such renewal, in which case it shall direct the secretary to notify such pilot in writing, at least 10 days before the expiration of his license, of such determination and the cause thereof.

(2) The pilot may thereupon apply within 10 days for a hearing in regard to such cause for withholding the license, which shall be granted. If, upon such hearing, it appears to the satisfaction of the board that there is no sufficient cause for withholding the license it shall be renewed of course, and not otherwise.

776.370 Complaint against pilot, form, verification, service; hearing; application of section. (1) A complaint against a pilot shall not be entertained by the board unless it is reduced to writing, and verified as a complaint in a civil action. When such complaint is filed with the secretary, the pilot thereby accused shall be forthwith served with a copy thereof, and required to appear and answer the complaint within 10 days from such service, whereupon the matter shall then be heard, or at a future day appointed by the board.

(2) This section shall not apply to or control the proceeding in an action taken against a pilot upon the motion and knowledge of the board.

776.380 Exhibition of license on boarding vessel. On boarding a vessel and if required by the master thereof, a pilot shall exhibit his license before he is authorized to act as a pilot thereon.

776.390 Liability of pilots and their sureties. If a vessel or her cargo which is under the charge of a pilot is injured or lost by reason of the negligence or incompetency of such pilot, he and his sureties in his official undertaking are liable to the parties interested for the damage caused thereby.

776.400 Authority of pilot generally. A pilot licensed under this chapter may take charge of any seagoing vessel over 100 tons of burden, not then in charge of such pilot, anywhere upon the pilot ground for which he is licensed, navigate her upon and over such ground, and demand and receive therefor the compensation allowed by law.

776.410 Compensation of pilots; bar service. (1) Until July 1, 1957, the maximum compensation allowed for piloting a vessel on bar pilotage grounds is \$3 per foot draft, and two and one-quarter cents per register ton:

(a) For piloting a vessel over the bar, from the open sea to such place on the bar pilotage grounds within the bar as the vessel may desire.

(b) For piloting a vessel over the bar, from any point on the bar pilotage grounds within the bar, to the open sea.

(2) On and after July 1, 1957, the maximum compensation allowed for piloting, in lieu of that provided by subsection (1) of this section, shall be \$2.50 per foot draft and two cents per register ton. [Amended by 1955 c.558 §1]

776.420 Compensation for river service and at Coos and Yaquina Bays; optional employment of pilot. (1) The compensation allowed for piloting a vessel upon the river pilot ground between Astoria and Portland, whether ascending or descending, is \$2.50 per foot draft and two and one-quarter cents per ton registered measurement until July 1, 1957, and, on and after July 1, 1957, shall be \$2 per foot draft and two cents per ton registered measurement. The board is authorized to prescribe a proportionate compensation for pilot services between other points on such ground and for pilot services between points on or within Coos Bay and its tributaries and Yaquina Bay and its tribu-

taries. However, it is optional with the master or person in charge of any such vessel whether he accepts or demands the service of any such pilot.

(2) If the master or person in charge of any vessel declines to accept the services of a pilot upon such river pilot ground or between points on or within Coos Bay and its tributaries and Yaquina Bay and its tributaries, the vessel is not liable for pilotage. [Amended by 1953 c.141 §2; 1953 c.142 §2; 1955 c.698 §1]

776.430 Monthly scale on being carried out to sea. A pilot who is carried to sea by a vessel under his charge as such pilot, without justifiable cause, is entitled to compensation therefor at the rate of \$150 per month during his necessary absence from his pilot grounds, for which he may sue the master, owner or vessel as for claims for pilotage.

776.440 Additional pay during period of detention aboard by bad weather. When a vessel outward bound takes a pilot, is thereafter prevented from going to sea on account of stress of weather, and the pilot remains therein at the request of the master, the pilot is entitled to compensation therefor at the rate of \$5 per day, which additional compensation and per diem shall be considered and recovered as pilotage.

776.450 Pilot's lien for compensation; personal liability of certain persons. In addition to the lien of the pilot upon the vessel for any sum due him for piloting or offering to pilot the same, the master, owner and consignee or agent are jointly and severally liable to him therefor.

776.460 Order in which vessels must be spoken and served. A pilot on the bar pilot grounds must speak inward bound vessels in the order of their coming to the bar and take the first vessel spoken that desires the service of a pilot. In case there is a vessel in immediate danger, this rule is to be regarded as not applicable, and such vessel must be spoken and taken without regard to the order of the coming, at least until she is out of the danger.

776.470 Pilot license fees; statement by pilot of moneys received. (1) Each pilot licensed under this chapter shall pay to the secretary a license fee of \$75, and for each

yearly renewal thereof a fee of \$75. Such sums shall be paid into the General Fund and shall be available for the payment of salaries of the three commissioners and secretary and for other expenses of the board.

(2) Each month each licensed pilot shall make to the board a statement in writing of all moneys received by him during the month last past for pilotage, together with the date of receipt, the name, tonnage, draft, nationality and class of the vessel, and the name of the master thereof from which the money was received.

776.480 Failure to report; false report; effect. A pilot who neglects or refuses to make the monthly statement of moneys received for pilotage as provided in ORS 776.470, or who knowingly makes a false one in any material particular, thereby forfeits his license. The board shall revoke his license, and such pilot is ineligible to be again licensed as a pilot for a period of three years.

776.490 Recovery of penalties from pilots and witnesses; evidentiary effect of copy of entry or order. (1) A penalty incurred by a witness under ORS 776.110, or imposed by the board upon a pilot as provided in ORS 776.140, may be recovered by the

board for the uses provided in this chapter, in a civil action brought in the name of the board.

(2) In such action a certified copy of the entry or order by the secretary under the direction of the board, showing the disobedience, refusal or neglect of the witness, or the imposition of the penalty upon the pilot, as the case may be, is conclusive evidence of the facts therein stated.

776.500 Piloting vessel without license and overcharging prohibited. (1) No person shall pilot any vessel upon any of the pilotage grounds described in ORS 776.020 without being a licensed pilot unless he is the master or owner of the vessel.

(2) No pilot shall demand or receive any greater compensation for piloting a vessel upon any of said pilotage grounds than is allowed by law.

776.510 to 776.980 [Reserved for expansion]

PENALTIES

776.990 Penalties. Violation of ORS 776.500 is punishable, upon conviction, by a fine not exceeding \$500 or imprisonment in the county jail for not more than six months, or both.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.
Done at Salem, Oregon,
on October 15, 1955.

Sam R. Haley
Legislative Counsel

