

## Proposed Edits to Legislation to Move the Continuing Education Surcharge out of the Board and State Treasury and to the Pilots

### Harbors and Navigation Code edits:

#### **1144.**

Any **continuing education program** adopted by the board shall regularly inform pilots of the hazards of fatigue and of effective strategies to prevent fatigue while on duty.

*(Added by Stats. 2012, Ch. 794, Sec. 2. Effective January 1, 2013.)*

#### **1159.**

(a) All moneys received by the board pursuant to the provisions of any law shall be accounted for at the close of each month to the Controller in the form that the Controller may prescribe and, at the same time on the order of the Controller, all these moneys shall be paid into the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund.

(b) Notwithstanding Section 13340 of the Government Code, the moneys deposited in the State Treasury to the credit of the Board of Pilot Commissioners' Special Fund are appropriated without regard to fiscal years for the payment of the compensation and expenses of the board and its officers and employees.

*(Amended by Stats. 2008, Ch. 567, Sec. 19. Effective January 1, 2009.)*

#### **1171.5.**

(a) The board shall adopt, by regulation, licensing standards that equal or exceed standards for obtaining federal endorsements and that conform with and support the state policy specified in Sections 1100 and 1101.

(b) The board shall adopt reasonable rules and regulations that require pilots to be qualified to perform all pilot duties.

(c) **The board shall adopt, by regulation, training standards and a training program for pilot trainees, and continuing education standards and a continuing education program for pilots.** In the case of pilot trainees, the training program shall be for a minimum of one year and a maximum of three years. **In the case of pilots, the board shall specify the type, nature, duration, and frequency of the continuing education required and the identity of the pilots who are required to undergo continuing education in the next 12-month period.** Pursuant to Section 1182, the license of a pilot may be revoked or suspended if he or she fails to complete the continuing education required by this subdivision during the period specified. **The board shall also require that an evaluation of the pilot's performance be prepared by the institution selected by the board to provide pilot continuing education, and the institution shall provide copies of the evaluation to the pilot and to the board.**

(d) The board shall adopt, by regulation, the qualifications, standards, and rating criteria for admission of pilot trainees to the training program. Notwithstanding subdivision (f), the board

shall administer and conduct the pilot trainee admission selection in accordance with the regulations for admission.

(e) The board shall establish a pilot evaluation committee consisting of five active pilots who each have at least 10 years' experience as a pilot on the Bays of San Francisco, San Pablo, and Suisun. The board shall select the members of the pilot evaluation committee. A member may not serve for more than two four-year terms, except that two of the initial members appointed to the pilot evaluation committee shall serve terms of two years.

(f) The pilot evaluation committee shall conduct and supervise the pilot trainee training program pursuant to the direction and regulation of the board and consistent with the intent of this division.

(g) The board shall issue a certificate of completion to each pilot trainee who satisfactorily completes the training program. The board shall not issue a pilot's license to a person who does not receive a certificate of completion of the training program from the board, although the board may refuse to issue a pilot license to a pilot trainee who has received this certificate.

(h) The training program for pilot trainees and the continuing education program for pilots shall be funded from revenues collected for these purposes as determined by the board pursuant to Sections 1195 and 1196 and deposited into the Board of Pilot Commissioners' Special Fund pursuant to Section 1159.

*(Amended by Stats. 2011, Ch. 324, Sec. 15. Effective January 1, 2012.)*

### **1196.**

(a) In addition to other fees for pilotage, there shall be a surcharge in an amount established by the board for each movement of a vessel using pilot services for the pilot continuing education program established by the board.

(b) ~~The movement fee authorized by this section shall be identified as a pilot continuing education program surcharge on a pilot's invoice, and separately accounted for in the accounting required by subdivision (b) of Section 1136.~~

(c) ~~The pilot continuing education program shall be conducted by the pilots.~~ The moneys charged and collected each month from the pilot continuing education program surcharge shall be paid to the board. ~~The moneys~~ shall be used only to fund ~~reimburse the costs to pilots of conducting~~ the pilot continuing education program in the manner established by the board.

(ed) By action of the board, the board may adjust the amount established pursuant to subdivision (a) as necessary to efficiently administer the pilot continuing education program.

*(Amended by Stats. 2011, Ch. 324, Sec. 25. Effective January 1, 2012.)*

### **1196.1.**

~~(a) The moneys charged and collected each month from the pilot continuing education surcharge pursuant to Section 1196 shall be paid to the Board of Pilot Commissioners' Special Fund pursuant to Section 1159. The moneys shall be used only to fund the pilot continuing education program referred to in subdivision (h) of Section 1171.5 and Section 1196.3.~~

~~(b) Information regarding moneys remitted to the Board of Pilot Commissioners' Special Fund pursuant to Section 1159 collected from the surcharge authorized pursuant to Section 1196, or otherwise collected by the board for that purpose, and information regarding moneys spent as pilot continuing education expenses authorized by Section 1196.3 shall be made available to the public upon request and to the board or its finance committee.~~

*(Amended by Stats. 2011, Ch. 324, Sec. 26. Effective January 1, 2012.)*

### **1196.3.**

Pilot continuing education expenses shall include all board-approved costs incurred ~~by the board~~ by the pilots in the operation and administration of the pilot continuing education program and all board-approved costs resulting from ~~any contracts entered into for the purchase or lease of goods and services required by the board, including, but not limited to, the reimbursement of costs of services provided to the board by other governmental entities and for the costs for any other~~ the provision of goods and services necessary for effectuating the purposes of pilot continuing education ~~as determined by the board.~~

*(Amended by Stats. 2011, Ch. 324, Sec. 27. Effective January 1, 2012.)*

### **1196.4.**

(a) Costs resulting from the provision of continuing education for currently licensed pilots regarding instruction in the proper utilization of portable pilot unit equipment and software, if determined to be necessary for effectuating the purposes of continuing education by the board, shall be considered pilot continuing education expenses pursuant to Section 1196.3.

(b) Subdivision (a) shall apply only to those costs incurred after January 1, 2013.

*(Added by Stats. 2012, Ch. 794, Sec. 8. Effective January 1, 2013.)*

### **CCR: (no change)**

#### **§ 215. Pilot Training.**

(a) Every pilot must complete the training program established by this section. The Board may revoke or suspend the license of a pilot if he or she fails to successfully complete the training program during the period specified by the Board.

(b) The training program for each pilot shall consist of two parts:

(1) Attend a manned scale model shiphandling course at least five days in length once every five years which provides realistic experience with maneuvering characteristics of major commercial vessel types that routinely transit the waters under the Board's jurisdiction and under harbor and approach conditions that replicate those that are found in the San Francisco Bay Area; and

(2) Attend a combination course at least five days in length completed at least once every five years covering at least the following topics:

(A) Bridge resource management for pilots;

(B) Shiphandling on a computer driven ship's bridge simulator including emergency maneuvering and shiphandling in close quarters;

(C) Emergency medical response;

(D) Advanced electronic navigation systems;

(E) The hazards of fatigue and effective strategies to prevent fatigue while on duty;

(F) Radar navigation in low visibility/restricted waters; and

(G) Regulatory review.

(c) The Executive Director shall prepare and maintain a list naming each pilot who is to attend the required training courses during the following twelve months, and the dates of such attendance. The list shall be provided to the Port Agent monthly, who shall notify the pilots on the list.

Note: Authority cited: Sections 1154 and 1171.5, Harbors and Navigation Code. Reference: Sections 1144, 1171.5(a), 1171.5(b) and 1171.5(c), Harbors and Navigation Code.