TITLE 58

SHIPPING AND NAVIGATION

Chapter 776. Maritime Pilots and Pilotage
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Chapter 776

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Maritime Pilots and Pilotage

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GENERAL PROVISIONS

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

(1) "Board" means the Oregon Board of Maritime Pilots.

(2) "Licensee" means an individual licensed under ORS 776.115.

(3) "Organization of pilots" means any legal entity or association to which licensees belong as members, or with which licensees are associated, that is formed for cooperative performance of functions including, but not limited to, the dispatching of licensees and trainees, collection of pilotage fees, ownership and operation of pilot boats, distribution of earnings of licensees and trainees, and education and training so as to facilitate the rendition of pilotage services by individual licensees and trainees.

(4) "Pilotage," "piloting" or "to pilot" means the actions of a licensee or trainee in assisting the master of a vessel under ORS 776.405 while the vessel is on, approaching or departing a pilotage ground, and the associated communication with the vessel.

(5) "Trainee" means a person the board has licensed under ORS 776.300 and who has met the requirements of ORS 776.540. [1957 c.448 §1; 1981 c.88 §2; 1983 c.330 §1; 1993 c.741 §110; 1993 c.796 §1; 2001 c.403 §1]

776.020 [Repealed by 1957 c.448 §27]

776.025 Description of bar and river pilotage grounds. Except as may be established by the Oregon Board of Maritime Pilots under ORS 776.115 (3), bar and river pilotage grounds shall be as follows:

(1) The Columbia River bar pilotage ground extends from the uppermost dock or wharf at the Port of Astoria or Knappton to the open sea in at least 30 fathoms of water.

(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 the head of navigation on Coos Bay and its tributaries to the open sea in at least 30 fathoms of water.

(4) The Yaquina Bay bar pilotage ground extends from the head of navigation on Yaquina Bay and its tributaries to

the open sea in at least 30 fathoms of water. [1957 c.448 §2; 1993 c.741 §112b; 1993 c.796 §1a]

776.030 [Repealed by 1957 c.448 §27]

776.035 Findings. The Legislative Assembly finds that:

(1) In order to implement the policies described and inherent in ORS 196.420, 273.553, 465.205, 466.010 and 468B.015 and ORS chapter 274, it is necessary to establish precautionary measures.

(2) Only individuals who have experience and can demonstrate knowledge of currents, tides, soundings, bearings and distances of the shoals, rocks, bars, points of landings, lights and fog signals should direct a large vessel on certain waters of this state. [1991 c.234 §2; 1997 c.16 §2]

776.040 [Repealed by 1957 c.448 §27]

776.045 Deck officer requirements. (1) All vessels required by ORS 776.405 (1) to engage a licensee under this chapter shall, at all times while underway upon any of the pilotage grounds established under ORS 776.025 or 776.115, have at least two licensed deck officers on the navigation bridge of the vessel, one of whom meets the requirements of ORS 776.405 (1).

(2) The only duties of the licensed deck officer required under ORS 776.405 (1) shall be to monitor and direct safe navigation of the vessel during transit on the waters of this state. [1991 c.234 §4; 1993 c.796 §2]

776.050 [Repealed by 1957 c.448 §27]

776.060 [Repealed by 1957 c.448 §27]

776.070 [Repealed by 1957 c.448 §27]

776.080 [Repealed by 1957 c.448 §27]

776.090 [Repealed by 1957 c.448 §27]

776.100 [Repealed by 1957 c.448 §27]

OREGON BOARD OF MARITIME PILOTS

776.105 Oregon Board of Maritime Pilots; term; qualifications; appointment; quorum. (1) The Oregon Board of Maritime Pilots is established within the Department of Transportation, and shall consist of nine members appointed by the Governor for terms of four years. The appointments of members of the board are subject to confirmation by the Senate in the manner prescribed in ORS 171.562 and 171.565.

(2) Three members of the board shall be public members, one of whom shall act as chairperson of the board. The public members of the board shall not:

(a) During the preceding five years or during their terms of office have any interest in the ownership, operation or management of any tugs, cargo or passenger vessels or in the carriage of freight or passengers by vessel;

(b) During the preceding five years or during their terms of office have any interest in any association or organization represented under subsection (4) of this section or principally comprised of persons engaged in commercial pursuits in the maritime industry as described in paragraph (a) of this subsection in any capacity; or

(c) Hold or have held a maritime pilot license issued by any state or federal authority.

(3) Three members shall be licensees under this chapter. One member shall be a Columbia River bar licensee, one member shall be a Columbia River licensee and one member shall be a Coos Bay or Yaquina Bay licensee. A licensee member shall:

(a) Have been licensed for more than three years under this chapter;

(b) Be actively engaged in piloting; and

(c) Be a resident of this state.

(4) Three members of the board shall, for at least three years immediately preceding their appointment, have been and during their terms of office be engaged in the activities of a company that operates commercial oceangoing

vessels.

(5)(a) The majority of members shall constitute a quorum for the transaction of all business if at least one member of each group, as described in subsections (2), (3) and (4) of this section, is present.

(b) Notwithstanding paragraph (a) of this subsection, when the board fixes pilotage fees under ORS 776.115 (5) a quorum shall consist of seven members.

(c) Notwithstanding paragraph (a) of this subsection, for purposes of ORS 192.610 to 192.690 a quorum shall consist of five members.

(6) The Director of Transportation, or a designated representative, shall serve as an ex officio member of the board but without the right to vote. [1957 c.448 §3; 1963 c.580 §93; 1967 c.401 §8; 1969 c.314 §102; 1971 c.753 §41; 1981 c.88 §3; 1987 c.414 §89; 1987 c.775 §4; 1993 c.741 §111; 1993 c.796 §3]

776.110 [Repealed by 1957 c.448 §27]

776.115 Powers and duties of board; rules. The Oregon Board of Maritime Pilots shall:

(1) Fix the manner of calling and fixing the places of meetings; provided that at least one meeting shall be held each calendar year.

(2) Provide for efficient and competent pilotage service on all pilotage grounds, and regulate and limit the number of licensees and trainees under this chapter, such number of licensees and trainees to be regulated and limited to the number found by the board to be required to render efficient and competent pilotage service. The primary consideration of the board is public safety. If a proposed rule would result in the significant limitation of competition among licensees or pilot organizations that exist in this state on January 1, 1991, the board shall first make a determination that the proposed rule is essential to protect the safety of the public.

(3) Establish and fix the boundaries of pilotage grounds not described in ORS 776.025.

(4) In accordance with the applicable provisions of ORS 183.310 to 183.550, establish by rule a licensing system for persons licensed to pilot, for persons licensed as trainees and for pilot organizations who train persons to pilot, including but not limited to provisions prescribing:

(a) The form and content of and the times and procedures for submitting an application for license issuance and renewal. The pendency of an investigation shall not affect the renewal process.

(b) The term of license and the annual fee, not to exceed $1,500.

(c) The requirements for and the manner of testing competency of license applicants.

(d) Those actions or circumstances that constitute failure to achieve or maintain competency or that otherwise constitute a danger to public health and safety and for which the board may refuse to issue or renew a license, may suspend or revoke a license or may reprimand a licensee.

(e) Classes of licenses that specify the size of vessels the licensee is authorized to be trained to pilot or to pilot on those river pilotage grounds for which the trainee or pilot is licensed.

(5)(a) Fix, at reasonable and just rates, pilotage fees, extra fees for vessels in distress, fees for extraordinary pilotage services, fees for a licensee or trainee being carried to sea unwillingly and reimbursement for the return to station or for the detention of a licensee or trainee; except that pilotage fees shall not be less inbound or outbound on vessels, propelled in whole or in part by their own power, than the following:

(A) Between Astoria and Portland or Vancouver, $2.50 per foot draft and 2 cents per net ton;

(B) Between Astoria or Knappton and the sea, $3 per foot draft and 2 cents per net ton;

(C) Between Yaquina Bay and the sea, $3 per foot draft and 2 cents per ton; and

(D) Between Coos Bay and the sea, $2.50 per foot draft and 2 cents per ton.

(b) In fixing fees pursuant to paragraph (a) of this subsection, the board shall give due regard to the following factors:

(A) The length and net tonnage of the vessels to be piloted.

(B) The difficulty and inconvenience of the particular service and the skill required to render it.

(C) The supply of and demand for pilotage services.

(D) The public interest in maintaining efficient, economical and reliable pilotage service.

(E) Other factors relevant to the determination of reasonable and just rates.

(6) Conduct or authorize the holding of hearings. In so doing the board or the hearings officer may subpoena witnesses, administer oaths, take depositions, fix the fees and mileage of witnesses and compel the attendance of witnesses and the production of papers, books, accounts, documents and testimony.

(7) Adopt any rule or make any order, as set forth in ORS 183.310 to 183.550, for the effective administration and

enforcement of this chapter.

(8) Establish rates pursuant to subsection (5) of this section for a period of not less than two years, that continue in effect until a subsequent hearing process. Rates may include automatic adjustment provisions to reflect changing economic conditions. All rates, and adjustments thereto, shall become effective on the same date specified by the board for all pilotage grounds. [1957 c.448 §4; 1981 c.88 §5; 1983 c.313 §5; 1987 c.158 §157; 1987 c.775 §3; 1991 c.234 §8; 1993 c.741 §112; 1993 c.796 §4]

776.118 Additional authority of board. In addition to its authority under ORS 776.115, the Oregon Board of Maritime Pilots may:

(1) Establish pilotage requirements for all single boiler or single engine and single screw tank vessels carrying oil in pilotage grounds;

(2) Review and, if appropriate, reduce deadweight tonnage specifications for pilotage service for vessels carrying oil;

(3) Establish regional speed limits, based on escort vehicle limitations, for all tank vessels in inland navigable waters and critical approaches to inland navigable waters; and

(4) Establish a program for a near-miss reporting system. [1991 c.651 §21; 1993 c.796 §5]

776.120 [Repealed by 1957 c.448 §27]

776.125 [1957 c.448 §5; repealed by 1993 c.796 §23]

776.129 Hearing officer for rate hearings; recommendations from other agencies. When the Oregon Board of Maritime Pilots establishes rates described in ORS 776.115 (5), the hearing shall be conducted by a hearing officer assigned from the Hearing Officer Panel established under section 3, chapter 849, Oregon Laws 1999. The hearing officer shall have the same authority as prescribed in ORS 776.115 (6) for the conduct of the proceeding. A proposed order issued by the hearing officer shall be submitted to the board for its adoption, remand or rejection. The hearing officer and the board may receive and consider recommendations made by the Economic and Community Development Department and the Port of Portland. [1987 c.775 §2; 1989 c.171 §85; 1989 c.293 §1; 1993 c.741 §112a; 1993 c.796 §6; 1999 c.849 §178]

Note: The amendments to 776.129 by section 179, chapter 849, Oregon Laws 1999, become operative January 1, 2004. See section 180, chapter 849, Oregon Laws 1999. The text that is operative on and after January 1, 2004, is set forth for the user's convenience.

776.129. When the Oregon Board of Maritime Pilots establishes rates described in ORS 776.115 (5), the board shall contract with the Public Utility Commission of Oregon for the use of hearing officers employed by the commission to conduct the rate proceeding. The hearing officer shall have the same authority as prescribed in ORS 776.115 (6) for the conduct of the proceeding. A proposed order issued by the hearing officer shall be submitted to the board for its adoption, remand or rejection. The hearing officer and the board may receive and consider recommendations made by the Economic and Community Development Department and the Port of Portland.

776.130 [Repealed by 1957 c.448 §27]

776.135 [Subsection (1) enacted as part of 1957 c.448 §5; subsection (2) enacted as 1957 c.448 §24; 1971 c.734 §184; 1983 c.313 §1; repealed by 1993 c.796 §23]

776.140 [Repealed by 1957 c.448 §27]

776.145 [1957 c.448 §6; repealed by 1971 c.734 §21]

776.150 [Repealed by 1957 c.448 §27]

776.155 [1957 c.448 §7; repealed by 1971 c.734 §21]

776.160 [Repealed by 1957 c.448 §27]

776.165 [1957 c.448 §8; repealed by 1971 c.734 §21]

776.170 [Repealed by 1957 c.448 §27]

776.175 [1957 c.448 §9; repealed by 1971 c.734 §21]

776.185 [1957 c.448 §10; repealed by 1971 c.734 §21]

776.195 [1957 c.448 §11; repealed by 1971 c.734 §21]

776.205 [1957 c.448 §12; repealed by 1971 c.734 §21]

LICENSING; COMPENSATION; LIABILITY

776.300 Trainee license; qualifications; assignment for training; rules. (1) No person shall be licensed as a trainee under this chapter unless the person meets the experience and educational requirements established by the Oregon Board of Maritime Pilots by rule including provisions pursuant to a program to carry out ORS 243.305 and 776.115 (2).

(2) The board shall assign trainees to organizations of pilots licensed under ORS 776.311. Trainees shall be trained to become licensees by one or more organizations of pilots. The board may adopt by rule training requirements. [1981 c.88 §7; 1993 c.796 §7]

776.305 [1957 c.448 §13; 1985 c.34 §1; repealed by 1993 c.796 §23]

776.310 [Repealed by 1957 c.448 §27]

776.311 Organizations licensed to train pilots. (1) No organization of pilots shall be licensed to train persons to be pilots under this chapter unless the organization:

(a) Has members who are licensed to pilot under ORS 776.325; and

(b) Meets other requirements established by the Oregon Board of Maritime Pilots.

(2) The board shall license at least one pilot organization on each pilotage ground.

(3) Organizations of pilots shall train only persons who are licensed as trainees and have been assigned for training by the board under ORS 776.300. [1993 c.796 §8b]

776.315 [1957 c.448 §14; 1985 c.32 §1; repealed by 1993 c.796 §23]

776.320 [Amended by 1953 c.140 §2; repealed by 1957 c.448 §27]

776.325 Qualifications of licensees. (1) No person shall be licensed to pilot under this chapter unless the person:

(a) Was licensed as a trainee or licensee prior to submitting an application to be licensed to pilot and has met the training requirements established by the Oregon Board of Maritime Pilots; and

(b) Possesses the requisite skill and the experience as a navigator and pilot, as demonstrated by satisfactory performance on such written examinations as the board may prescribe, 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 pilotage ground for which application is made for a license to pilot.

(2) An applicant for a license over any river pilotage ground must have at least six months' continuous experience, as determined by the board, as a trainee on vessels subject to ORS 776.405 piloting oceangoing vessels over the pilotage ground for which application is made, prior to making application for a license, and must have had the necessary experience in handling oceangoing vessels through the bridges, under varying conditions with and without towboats.

(3) An applicant for a license on bar pilotage grounds shall satisfy the board that the applicant has means available for boarding and leaving vessels which the applicant may be called upon to pilot. [1957 c.448 §15; 1973 c.827 §82; 1981 c.88 §8; 1983 c.313 §2; 1985 c.32 §2; 1993 c.796 §8]

776.330 [Repealed by 1957 c.448 §27]

776.335 [1957 c.448 §16; repealed by 1993 c.796 §23]

776.340 [Repealed by 1953 c.297 §2]

776.345 [1957 c.448 §17; 1981 c.88 §13; 1983 c.313 §3; 1985 c.34 §2; repealed by 1993 c.796 §23]

776.350 [Repealed by 1957 c.448 §27]

776.355 License fees; rules. (1) Except as provided in subsection (2) of this section, each licensee under this chapter shall pay an annual license fee to the Oregon Board of Maritime Pilots not to exceed the amount established under ORS 776.115. Subject to prior approval of the Oregon Department of Administrative Services and a report to the Emergency Board prior to adopting the fee, the amount of the fee shall be adjusted by the Oregon Board of Maritime Pilots to finance costs as defined by the legislatively approved budget, as it may be modified by the Emergency Board.

(2) The board by rule may establish reduced license fees for those individuals who engage in pilotage activities on less than a full-time basis. However, in no event shall the fee be less than $50. [1957 c.448 §22; 1963 c.105 §2; 1973 c.832 §68; 1977 c.40 §2; 1979 c.11 §2; 1981 c.88 §9; 1983 c.313 §4; 1985 c.271 §2; 1989 c.293 §2; 1991 c.466 §1; 1991 c.703 §41; 1993 c.796 §9]

776.360 [Repealed by 1957 c.448 §27]

776.365 Pilot Account; uses. The money received under this chapter shall be paid into the State Treasury and placed to the credit of the General Fund in the Pilot Account which account hereby is established. Such moneys hereby are appropriated continuously and shall be used only for the administration and enforcement of this chapter. The Oregon Department of Administrative Services shall draw warrants for all claims approved by the Oregon Board of Maritime Pilots pursuant to the appropriations on the State Treasurer, payable out of the Pilot Account in the General Fund. [1957 c.448 §23; 1983 c.740 §256]

776.370 [Repealed by 1957 c.448 §27]

776.375 Disciplinary proceedings; administrative procedures; judicial review. (1) Where the Oregon Board of Maritime Pilots proposes to refuse to issue or renew a license to pilot, or proposes to revoke or suspend a license or proposes to issue a written reprimand, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.550. Contested case hearings shall be conducted by a hearing officer assigned from the Hearing Officer Panel established under section 3, chapter 849, Oregon Laws 1999. [1971 c.734 §186; 1981 c.88 §14; 1993 c.796 §10; 1999 c.849 §181]

Note: The amendments to 776.375 by section 182, chapter 849, Oregon Laws 1999, become operative January 1, 2004. See section 183, chapter 849, Oregon Laws 1999. The text that is operative on and after January 1, 2004, is set forth for the user's convenience.

776.375. (1) Where the Oregon Board of Maritime Pilots proposes to refuse to issue or renew a license to pilot, or proposes to revoke or suspend a license or proposes to issue a written reprimand, opportunity for hearing shall be accorded as provided in ORS 183.310 to 183.550.

(2) Adoption of rules, conduct of hearings, issuance of orders and judicial review of rules and orders shall be as provided in ORS 183.310 to 183.550. Contested case hearings may be conducted by a member of the board or by a hearing officer designated by the board.

776.380 [Repealed by 1957 c.448 §27]

776.390 [Repealed by 1957 c.448 §27]

776.400 [Repealed by 1957 c.448 §27]

776.405 License required; exemptions. (1)(a) Except as set forth in paragraph (b) of this subsection, no person shall pilot any vessel upon any of the pilotage grounds established under ORS 776.025 or 776.115 without being a licensee under this chapter or a trainee under the onboard supervision of a licensee under this chapter.

(b) Paragraph (a) of this subsection does not apply to:

(A) The master of a vessel under fishery, recreational or coastwise indorsement provided under 46 U.S.C. chapter 121;

(B) A vessel registered with the State Marine Board or a similar licensing agency of another state; or

(C) The master of a foreign registered fishing or recreational vessel, exempted by the Oregon Board of Maritime Pilots, of not more than 100 feet in length or 250 gross tons international.

(2) A licensee under this chapter is at all times the servant of the vessel being piloted and its owners and operators. [1957 c.448 §25(1); 1973 c.650 §1; 1983 c.330 §3; 1985 c.34 §3; 1991 c.234 §3; 1993 c.796 §11; 2001 c.104 §296]

776.410 [Amended by 1955 c.558 §1; repealed by 1957 c.448 §27]

776.415 Compensation of licensees determined by law. No licensee shall demand or receive any greater, lesser or different compensation for piloting a vessel upon any of the pilotage grounds than is allowed by law. [1957 c.448 §25(2); 1993 c.796 §12]

776.420 [Amended by 1953 c.141 §2; 1953 c.142 §2; 1955 c.698 §1; repealed by 1957 c.448 §27]

776.425 Authority of licensees generally; compensation. Within the scope of the license, a licensee may pilot any vessel and demand and receive therefor the compensation allowed by law. [1957 c.448 §20(1); 1973 c.650 §2; 1985 c.32 §3; 1993 c.796 §13]

776.430 [Repealed by 1957 c.448 §27]

776.435 Refusing services of licensee; liability for pilotage fee. The master or person in charge of any vessel may refuse to accept the services of any particular licensee and shall call for another licensee, in which case the vessel and the owners, operators and agents of the vessel are liable only for the services of the licensee employed. [1957 c.448 §20(2); 1983 c.330 §2; 1991 c.234 §5; 1993 c.796 §14]

776.440 [Repealed by 1957 c.448 §27]

776.445 Liability of certain persons for licensee's compensation. In addition to the lien of the licensee upon the vessel for any sum due for piloting, the master, owner and consignee or agent are jointly and severally liable to the licensee therefor. [1957 c.448 §21; 1993 c.796 §15]

776.450 [Repealed by 1957 c.448 §27]

776.455 Exhibition of license on boarding vessel. On boarding a vessel and if required by the master thereof, a licensee shall exhibit the license before the licensee is authorized to perform a piloting assignment. [1957 c.448 §19; 1993 c.796 §16]

776.460 [Repealed by 1957 c.448 §27]

776.465 [1957 c.448 §18; repealed by 1993 c.796 §23]

776.470 [Repealed by 1957 c.448 §27]

776.480 [Repealed by 1957 c.448 §27]

776.490 [Repealed by 1957 c.448 §27]

776.500 [Repealed by 1957 c.448 §27]

776.510 Declaration of legislative intent relating to liability of licensees, trainees and organizations. (1) The stimulation and preservation of maritime commerce on the bar and river pilotage grounds of this state are declared to be affected with the public interest and the limitation and regulation of liability of licensees, trainees and organizations of pilots are necessary to such stimulation and preservation of maritime commerce and are deemed to be in the public interest.

(2) To accomplish the stimulation and preservation of maritime commerce it is necessary to establish an optional rate system whereby vessels and persons engaging the services of a licensee have the option of:

(a) Agreeing not to assert any personal liability against any licensee, trainee and organization of pilots to which the licensee or trainee belongs, and to defend, indemnify and save harmless the licensee, trainee and organization of pilots against all claims and demands arising from acts or omissions of the licensee, trainee or organization of pilots which relate, directly or indirectly, to pilotage of the vessel; or

(b) Directing licensees in writing and in sufficient time for insurance to be procured by them, on a “trip” basis, insuring such licensees, trainees and organizations of pilots to which they belong against all claims or demands arising from or relating to, directly or indirectly, pilotage of the vessel, the premium or cost of such insurance to be included in the charges for pilotage services and paid on demand by the vessel.

(3) The Legislative Assembly hereby declares that to effect the ends and purposes listed in this section, and to maintain pilotage fees at reasonable levels on the bar and river pilotage grounds of this state, ORS 776.520, 776.530 and 776.540 are adopted. [1959 c.404 §2; 1983 c.330 §4; 1993 c.796 §17]

776.520 Tariffs limiting liability of licensees, trainees or organizations. Licensees and trainees are authorized to limit their liability and the liability of any organization of pilots to which they belong by tariffs approved by the Oregon Board of Maritime Pilots containing substantially the terms and provisions of the following form:

The provisions of ORS 776.510 and 776.540 hereby are incorporated into and made a part of this tariff. By reason of the option granted by ORS 776.510, the rates and charges named in this tariff do not include the cost of marine insurance insuring the licensee, trainee and any organization of pilots to which the licensee or trainee belongs, the vessel, its owners, agents or operators from the consequences of negligence or errors in judgment of the licensees, trainees or organizations of pilots.

However, upon reasonable notice to the licensees in writing from the vessel, its master, owners, agents or operators, the licensees parties hereto will procure such insurance on a “trip” basis in an amount equal to the value of the vessel and its cargo, or such other amount as may be agreed upon between the licensees and the vessel, its master, owners, agents or operators, insuring the licensees and the organizations of pilots to which they belong against all claims or demands arising from or based upon, directly or indirectly, pilotage of the vessel. The premium for such insurance shall be assessed in addition to the rates and charges specified herein.

The election of the vessel, its master, owners, agents or operators not to request licensees parties hereto to procure such insurance and thereby to elect to have the licensees parties hereto perform services on the rates and charges specified herein shall constitute a binding and irrevocable agreement on the part of the vessel, its master, owners, agents or operators to the terms and conditions of the following:

It is understood and agreed, and is the essence of the contract under which services of the licensee are tendered to and accepted by the vessel, its master, operators and owners, that:

(1) The services rendered hereunder are rendered by a licensee;

(2) The services of any individual licensee have been voluntarily accepted and are voluntarily rendered pursuant to the election authorized by ORS 776.510;

(3) Such services are advisory in nature only, the master of the vessel remaining at all times in full command of the vessel and empowered to relieve the licensee of duties;

(4) The services of the licensee and, if applicable, trainee are accepted on the express understanding that when the licensee and trainee go aboard the vessel the licensee and trainee become the servants of the vessel and its owners and operators. Except as to such personal liability and rights over as may arise by reason of the willful misconduct or gross negligence of the licensee or trainee, the master, owners and operators of the vessel expressly covenant and agree:

(a) Not to assert directly or indirectly, any personal liability against the licensee, trainee, any organization of pilots to which the licensee or trainee belongs, and any members of such organization;

(b) Not to respond in damage (including any rights over) arising out of or connected with, directly or indirectly, any damage, loss or expense sustained by the vessel, its master, owners, operators and crew, and any third parties (including cargo), even though resulting from acts or omissions of any organization of pilots to which the licensee or trainee belongs, from acts or omissions of its members, or any acts or omissions of the licensee or trainee; and

(c) To defend, indemnify and hold harmless the licensee, trainee, any organization of pilots to which the licensee or trainee belongs, and any members of such organization, from any claims whatsoever for damages, loss or expense arising out of, or connected with any acts or omissions of the licensee, trainee or organization of pilots which relate, directly or indirectly, to pilotage of the vessel;

(5) The master, owners and operators of the vessel shall not be liable to indemnify and hold harmless the licensee, trainee and any organization of pilots to an extent greater than the amount to which the liability of the vessel, its owners and operators, is limited by reason of contract, bill of lading or statute, including but not limited to, the Limitation of Liability Act (46 U.S.C. 181-189), the Harter Act (46 U.S.C. 190-195), the Carriage of Goods by Sea Act (46 U.S.C. 1300-1315), and the Federal Water Pollution Control Act (33 U.S.C. 1321); and

(6) The fees charged for the services rendered by the licensee and trainee have been computed and are assessed in accordance with and based upon the above stipulations.

[1959 c.404 §3; 1973 c.650 §3; 1983 c.330 §5; 1993 c.796 §18]

776.530 Licensees, trainees and organizations not liable for certain acts or omissions. An organization of pilots shall not be liable for any claims arising from acts or omissions of a licensee, trainee or organization of pilots which relate, directly or indirectly, to pilotage of a vessel. A licensee or trainee shall not be liable either directly or as a member or associate of an organization of pilots for any claims arising from acts or omissions of any other licensee, trainee or any organization of pilots which relate, directly or indirectly, to pilotage of a vessel. This section does not apply to acts or omissions relating to the ownership and operation of pilot boats or the transportation of licensees and trainees to and from the vessel being piloted. [1983 c.330 §8; 1993 c.796 §19]

776.540 Security required of licensees and trainees; conditions of bond; limitation of liability. (1) Each licensee and trainee shall procure and furnish to the Oregon Board of Maritime Pilots a security in the sum of $250 as a surety bond or an irrevocable letter of credit, in a form approved by the board and underwritten by a surety company authorized to engage in business in the State of Oregon or issued by an insured institution, as defined in ORS 706.008, or as a cash deposit in a form approved by the board. The cash deposit, letter of credit or bond shall be conditioned so as to pay the sum to any person, firm, corporation or other legal entity who or which shall suffer any loss or damage by reason of any negligent act or omission of the licensee or trainee which relates, directly or indirectly, to pilotage of the vessel. No licensee or trainee shall be liable for any such act or omission beyond the amount of the security. However, this limitation of liability shall not apply:

(a) To willful misconduct on the part of the licensee or trainee;

(b) To the extent to which insurance is procured pursuant to the option granted by ORS 776.510 and 776.520; or

(c) To acts or omissions relating to the ownership and operation of pilot boats or the transportation of licensees and trainees to and from the vessel being piloted.

(2) When any suit or action is brought in any court against a licensee or trainee for any such act or omission in respect of which liability is limited as provided by this section and other claims are made or anticipated in respect of the same act or omission, upon payment by the licensee or trainee of the amount of the security into the court in which such suit or action is brought, the court shall distribute that amount rateably among the several claimants and shall dismiss the proceedings as to the licensee or trainee. [1983 c.330 §7; 1985 c.29 §1; 1991 c.331 §138; 1993 c.796 §20; 1997 c.631 §553]

PENALTIES

776.880 Civil penalties. (1) In addition to any other penalty provided by law, any licensee or trainee who commits any act for which the Oregon Board of Maritime Pilots could revoke, suspend or refuse to issue or renew a license is subject to a civil penalty in an amount determined by the board of not more than $250 for each offense.

(2) Any person who violates the provisions of ORS 776.405 (1)(a) is subject to a civil penalty in an amount as

determined by the board of not less than $5,000 and not more than $50,000.

(3) Civil penalties under this section shall be imposed as provided in ORS 183.090.

(4) All amounts recovered under this section are subject to ORS 776.365. [1981 c.88 §11; 1991 c.234 §6; 1991 c.734 §102; 1993 c.796 §21]

776.990 [Repealed by 1957 c.448 §27]

776.991 Criminal penalties. (1) Except as provided in subsection (2) of this section, any person violating any of the provisions of this chapter is punishable, upon conviction, by a fine not to exceed $500, or by imprisonment in the county jail not to exceed six months, or both.

(2) Any person violating the provisions of ORS 776.405 (1)(a) is punishable, upon conviction, by a fine of not less than $5,000 nor more than $50,000, or by imprisonment in the county jail not to exceed six months, or both. [1957 c.448 §26; 1991 c.234 §7]