

CHAPTER 136

Department of Labor, Licensing and Regulation— Commissioners of Pilotage

(Statutory Authority: 1976 Code § 54-15-140)

ARTICLE 1 LOWER COASTAL AREA

136-001. Purpose.

A. The purpose of these regulations is to establish standards for the promotion and continuance of a centralized, coordinated system of pilotage that will assure the safe and efficient movement of ocean-going shipping in to, out of and within the seaports of the State of South Carolina.

B. Safety shall be the primary objective of pilotage and shall focus upon the safety of vessels in transit, of vessels moored, of bridges and other waterfront structures, of channels and other navigable waterways, and protection of the marine environment.

C. Pilotage standards shall pursue the major objective of safety and the secondary objective of efficient movement by addressing, but not be limited to, each of the following aspects:

- (1) Selection, training and qualification of pilots,
- (2) Licensure and registration of pilots,
- (3) Reports of accidents, risks, and other matters affecting vessel safety,
- (4) Relationship to federal pilotage,
- (5) Pilot logistical support systems,
- (6) Vessel movement restrictions,
- (7) Docking and undocking,
- (8) Administration.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-003. Definitions.

A. “Apprentice” is defined to mean an individual approved and certified by the Commissioners who is undergoing an approved pilot training and qualification program.

B. “Bar” is defined to mean the entrance to any port at such place in the Atlantic Ocean where the U. S. Army Corps of Engineers is authorized to commence harbor maintenance.

C. “Branch” is defined to mean a category of pilot license denoting the absence of restrictions, or the level of restriction, placed upon the holder of said license.

D. “Coast Guard” is defined to mean the United States Coast Guard.

E. “Commissioners” is defined to mean the Commissioners of Pilotage for the Lower Coastal area.

F. “Draft” is defined to mean the deepest vertical distance required by any vessel to float measured from the surface of the water to a depth equal to the deepest portion of a vessel’s hull or appurtenances.

G. "Examiner" is defined to mean a member of a Board of Examiners convened by the Commissioners to examine apprentices for issuance of pilot licenses, and to examine pilots holding restricted pilot licenses for the next higher license.

H. "Federal Pilot" is defined to mean any person licensed under the provisions of 46 USC 7101-7114, and entitled to serve under the authority of 46 USC 8502.

I. "Foreign Flag" is defined to mean a vessel registered in a country other than the United States.

J. "Full Branch" is defined to mean a license with no restrictions.

K. "Gross Tons" is defined to mean the gross registered tonnage of any vessel as measured under the 1969 International Tonnage Convention.

L. "Harbor" is defined to mean the waterways inshore of the bar, within a port, on which commerce may be carried.

M. "License" is defined to mean a document issued by the Commissioners to a pilot authorizing that individual to serve as a State pilot on board such vessels requiring same.

N. "Pilot" is defined to mean an individual licensed by the Commissioners as a pilot for the waters defined by 46CFR 7.65, 46 CFR7.70 and 46 CFR 7.75.

O. "Pilot Waters" is defined to mean those waters of the bar and within the harbor on which pilots are required.

P. "Port" is defined to mean the geographic area, defined by political boundaries, surrounding and including the harbor and bar.

Q. "Public Vessel" is defined to mean a vessel meeting the definition of contained in 46 USC 2101(24).

R. "Qualified Docking Master" is defined to mean a ship docking specialist certified as such by the Charleston Docking Pilots or the Charleston Docking Masters.

S. "Seagoing Vessel" is defined to mean any vessel, or combination of tug and tows, that measure 200 or more gross tons, and/or draw 8 or more feet.

T. "Short Branch" is defined to mean a pilot license that is restricted to service on vessels of certain size and draft limitations.

U. "State Pilot" is defined to mean a pilot licensed by the Commissioners.

V. "Vessel" is defined to mean, generally, every contrivance of watercraft, including craft self propelled by machinery and/or sail, and non-self propelled craft being towed or pushed by another craft.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-005. Area of Jurisdiction.

The Commissioners for the Lower Coastal Area have jurisdiction for the pilot waters between Cape Romain, S.C. and the South Carolina side of the Savannah River.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-007. Policies and Procedures Manual.

The Commissioners shall publish and maintain a current Policies and Procedures Manual (PPM). The PPM shall provide guidance regarding the administration of matters coming before the Commissioners.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-010. Requirement for Licensure.

No person may be licensed as a pilot without first having successfully completed the required three-year program of apprentice training and qualification. This is applicable to temporary and emergency licenses as well as to regular full branch and short branch licenses.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–011. Apprentice Training and Qualification Program.

A. The apprentice training and qualification program shall include the satisfactory completion of an apprentice training course approved by the Commissioners.

B. In addition to satisfactory completion of the apprentice training course, every apprentice shall become qualified to perform boat crew duties on board every class of pilot vessel and to stand communications watches at the pilot office. The apprentice training and qualification program shall consist of both the approved Apprentice Training Course and the three-year term of apprentice training.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–012. Apprentice Selection Process.

A. Applicants for apprenticeship shall submit applications to the Commissioners on application forms provided by the Commissioners. A non-refundable application fee shall be submitted with each application.

B. Upon a determination of eligibility by the Commissioners, copies of the complete applications of eligible applicants will be forwarded to the pilots.

C. At such times as vacancies may be forecast or occur within the register of pilots, the Commissioners shall certificate from among the eligible applicants the best qualified individual or individuals for apprenticeship. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking, promulgated by the Commissioners. No agency shall require the selection of more apprentices than needed to fill projected vacancies.

D. Numerical ranking shall be based upon a 100 point system, with 25 points for each of the following categories:

(1) Academic. Each High School Graduate shall receive 5 points. In addition, each applicant's cumulative grade point average, on a 4.0 scale, shall be multiplied by a factor of 5 for persons with a baccalaureate, or higher, degree and by a factor of 2.5 for persons with an associate or equivalent, two-year degree.

(2) Previous maritime experience. The Commissioners shall award points to applicants pursuant to subpart 136–015.

(3) Interview. Every applicant shall be interviewed by the Commissioners. Each person interviewed shall be assigned from 0 to 25 points based upon objective scoring guidelines published by the Commissioners.

(4) Pilot potential. The Commissioners shall forward the application files of every eligible applicant to the pilots who shall consider the documentary evidence submitted with the application, any letters of recommendation received, and other information in the applicant's file. The pilots shall assign from 0 to 25 points to those applicants whose applications indicate that they have the greatest potential and who they believe are the best qualified to become pilots and future business partners, in accordance with the criteria contained in the Policies and Procedures Manual.

E. The names and rankings of the applicant(s) recommended by the pilots for certification as apprentice pilots will be submitted to the Commissioners along with the names and rankings of the next five highest-ranked applicants not recommended.

F. The Commissioners may approve the name(s) recommended by the pilots or they may return the name(s) for reconsideration.

G. The Commissioners shall award a Certificate of Apprenticeship to every apprentice they have approved. Said certificate shall terminate upon satisfactory completion of the apprentice training program or upon the termination of the apprentice for cause or resignation.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 21, Issue No. 2, eff February 28, 1997; State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–013. Pilot and Apprentice Age Limitations.

The required physical rigors and necessary stamina render service as a pilot in the Lower Coastal Area to be such that no pilot seventy years or older will be registered.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 29, Issue No. 1, eff January 28, 2005; State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009.

136–014. Apprentice Citizenship and Physical Requirements.

A. Every apprentice applicant must meet the requirements of Section 54–15–100 of the 1976 Code and the Coast Guard requirements for citizenship, physical health, and general federal licensure as contained in 46 CFR 10.201–10.223.

B. All apprentice applicants must certify and be prepared to demonstrate that they can swim unassisted for a distance of not less than 100 meters and can remain afloat unassisted for a period of not less than fifteen minutes immediately thereafter.

C. Every applicant for apprenticeship must be a resident of the State of South Carolina.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 21, Issue No. 2, eff February 28, 1997; State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–015. Previous Maritime Experience, Apprentice Applicants.

A. The Commission shall ensure that eligible applicants for apprenticeship be assured that any previous maritime experience is considered in the selection process.

B. The Commissioners shall assign up to 25 points to any applicant who has demonstrated previous maritime knowledge or experience. Consideration will be given to the following federal license and experience factors:

KIND OF MARINE EXPERIENCE DOCUMENTED POINTS

1. Master, oceans, any gross tons 21
2. Chief Mate, oceans, any gross tons 19
3. Second Mate oceans, any gross tons 17
4. Third Mate, oceans, any gross tons 15
5. Master, near coastal less than 100 GT 10
6. Operator, uninspected towing vessel or Inland Master 10
7. Federal first class pilot license or endorsement 1
8. Motorboat operator license 5
9. Small craft and sailing experience
 - (a) Collegiate sailing team member, years on team 1 to 4
 - (b) Local sailing and offshore regatta crew 1 to 5
 - (c) Small craft operation in Charleston Harbor and 5 approaches, 1 point per year, but experience must equal or exceed 100 days per year, up to a maximum of (Note: The points awarded for small craft experience can not total more than five points.) Points awarded to the above factors 1 through 9 may be accumulated to a maximum of 25.
10. The Commissioners may award up to 5 points for maritime-related credentials not listed above.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 21, Issue No. 2, eff February 28, 1997; State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–016. Apprentice Training Course Curriculum.

A. Satisfactory completion of the Apprentice Training Course at Charleston as approved by the Commissioners and the Commandant of the U.S. Coast Guard, requires that the apprentice must have satisfactorily completed 360 round trips encompassing a minimum of 360 days of training aboard vessels over 1600 gross tons. This course of instruction is approved by the Commandant of the U.S. Coast Guard pursuant to 46 CFR 10.307.

B. General Curriculum Requirements:

(1) In order to satisfactorily complete this training course, every apprentice must solo to the satisfaction of the majority of the supervising pilots on every route, day and night, ebb and flood tides, and on every size category of vessel calling at the port. The curriculum of the approved course requires that apprentices learn to direct the movement of vessels, apply the proper rules of the nautical road and other maritime procedures, interface and coordinate with other affected

vessels and facilities, and record certain information. During each vessel movement to which the apprentice is assigned, the apprentice shall accompany the licensed pilot assigned to the vessel. The licensed pilot serves as the expert-master and interacts with the apprentice in observational and mastery learning processes. The ultimate result of the training is marked by the apprentice's satisfactory piloting of vessels under the supervision of the various pilots assigned to those movements without the need for those assigned pilots to offer coaching or verbal guidance. This accomplishment is termed a "solo".

(2) In addition to the above, the progress of every apprentice must be marked semi-annually during his or her term of apprentice training by the pilots with whom he or she has received instruction in the areas of:

- (a) Procedures
- (b) Skillfulness
- (c) Communications
- (d) Attitude

(3) Every apprentice must receive satisfactory grades from the majority of the pilots during each semi-annual progress report period. A 3.2 grade point average on a 4.0 scale in every area of grading is required as the minimal satisfactory grade. This minimal grade shall be obtained during the final progress report period in order for an apprentice to receive a certificate that he or she has satisfactorily completed this training course. The Course Monitor shall semiannually advise each apprentice regarding his or her progress and shall also advise the Commissioners.

(4) Failure to receive satisfactory grades during the apprentice training course can result in the termination of the apprentice training program for any apprentice at any point in the program by the Commissioners.

(5) The discovery that any apprentice fails to satisfy the physical requirements for federal licensure shall be just cause for the termination of any such apprentice without regard to the grades received in the apprentice training course.

C. Upon satisfactory completion of the approved apprentice training course, the apprentice will be awarded a Certificate of Completion by the designated course monitor.

D. Any federal licensure as a federal, first-class pilot obtained by any apprentice before the completion of the apprenticeship training and qualification program shall not terminate nor shorten the three-year term of apprentice training.

E. No person shall represent himself or herself as an apprentice unless he or she has been approved and certified as an apprentice by the Commissioners. No pilot shall be required to train any uncertified person on board any vessel subject to the jurisdiction of the Commissioners. Any uncertified person posing as an apprentice aboard any vessel subject to the jurisdiction of the Commissioners shall be considered in violation of 1976 Code Section 54-15-280.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-017. Completion of Apprenticeship.

A. Upon the successful completion of the three-year apprenticeship training and qualification program, including certification by the course monitor of satisfactory completion of the apprentice training course, the pilots shall provide the Commissioners with the name of every successful apprentice along with their recommendations regarding his or her prospective licensure by the Commission.

B. The complete training record of every apprentice so recommended shall be brought before the Commissioners at the time such apprentice's name is presented.

C. Nothing shall prohibit the Commissioners from periodically reviewing the progress of any apprentice undergoing training, and reviewing the progress reports on every apprentice that have been submitted by the pilots.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-020. Short Branch Qualification.

A. The term of the apprentice training and qualification program shall be followed by a period of not less than three years for advanced qualification as a short branch pilot.

B. With the consent of the apprentice who has passed the term of apprenticeship, the period of short branch qualification may be suspended for a period of time to be approved by the Commissioners. Under such circumstances, the Commissioners shall assure that the passed apprentice has completed a sufficient number of refresher round trips prior to licensure.

C. The various tonnage and draft limitations for each short branch shall be:

(1) Initial (first) Short Branch (six months) . . . Limited to the average Gross Registered Tons rounded up to the next highest thousand for the previous calendar year and limited to the average deep draft, rounded up to the next even number of feet, said tonnage and draft averages will be for the previous calendar year.

(2) Second Short Branch (six months) . . . No tonnage limit, deep draft limit to be the deep draft limit applicable in subparagraph (1) above, plus two feet.

(3) Third Short Branch (one year) . . . No tonnage limit, deep draft limit to be the deep draft limit applicable in subparagraph (1) above, plus five feet.

(4) Fourth Short Branch (one year) . . . No tonnage limit, deep draft limit shall be the deepest draft applicable to merchant vessels whose movements are not draft-restricted under Regulation 136-071A.

D. While undergoing advance qualification, short branch pilots may be observed by full branch pilots on board such vessels to which the short branch pilots may be assigned.

E. Upon the completion of an appropriate period of time for any particular short branch, the satisfactory completion of which shall be determined by the pilots, the pilots shall submit to the Commissioners a listing of every vessel piloted by the short branch pilot during that period as well as a synopsis of any difficulties encountered to demonstrate the performance of the short branch pilot.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999; State Register Volume 25, Issue No. 4, eff April 27, 2001; State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009.

136-030. Pilot Registration.

A. The minimum number of full branch pilots for the Lower Coastal Area shall be established by the Commissioners to be sufficient to handle the number of vessels requiring pilot services. The Commissioners for the Lower Coastal Area may authorize a number of short branch pilots in addition to the number established for full branch pilots.

B. In developing the minimum number of pilots necessary, the Commissioners shall consider the average annual number of vessel movements, including both federal and state pilotage, handled by each full branch pilot for each of the previous five years. They shall also consider the average amount of pilot time required per average movement.

C. The Commissioners shall adopt procedures for monitoring increases and decreases in workload to assure that an adequate number of full branch pilot positions are established to efficiently handle the workload. The Commissioners shall further consider the recommendations of the pilots relative to developing the number of pilots required.

D. Every pilot being registered shall have a thorough physical examination every year. An individual's registration remains valid through the end of the month in which the first anniversary of the most recent satisfactory physical examination occurs. If invalidated by expiration of the previous physical, registration is restored once a satisfactory physical examination has been completed, without further action by the Commission or other authority. Pilots holding and maintaining a Medical Certificate for a First Class Pilot issued by the United States Coast Guard are deemed medically fit to perform the duties of a State Registered Pilot. Annual physicals will be recorded on a form approved by the Commissioners that is: (a) signed by an appropriately licensed physician; (b) signed by the applicant attesting to the status as of that date of his or her Coast Guard Medical Certificate; and (c) submitted within 30 days of the completion of the physical. Pilots not holding a current Medical

Certificate issued by the United States Coast Guard for a First Class Pilot may petition the Commissioners for a determination of medical fitness by alternate means.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 29, Issue No. 1, eff January 28, 2005; State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 40, Issue No. 5, Doc. No. 4574, eff May 27, 2016.

136-032. Board of Examiners.

A. The Board of Examiners shall supervise the administration of a written examination, approved by the Commissioners, to every candidate for pilot licensure.

B. The Commissioners shall provide the examiners written documentation relative to the qualifying piloting experience of the license candidate. The examiners shall be unanimously satisfied that the evidence of experience provided adequately demonstrates the necessary experience for the license for which the candidate is to be licensed.

C. The examiners shall orally examine each candidate for licensure with spontaneous questions and discussion. These questions shall be equal in importance and difficulty. These questions shall be of a technical maritime nature and shall include those subjects included in Section 54-15-60 (B) of the 1976 South Carolina Code, as amended.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-035. Fees.

A. The following fees shall be remitted to the Commissioners of Pilotage for the Lower Coastal Area for each of the respective licenses issued in the Lower Coastal Area:

- (1) First short branch following apprenticeship, valid for \$250.00 a period of not less than six (6) months
- (2) Second short branch, valid for a period of not less \$100.00 than six (6) months
- (3) Third short branch, valid for a period of not less than \$150.00 one (1) year
- (4) Fourth short branch, valid for a period of not less \$150.00 than one (1) year
- (5) Full branch: \$150.00
- (6) Certificate of Apprenticeship: \$ 50.00

B. Pilot Registration Fee. Every state pilot shall pay an annual registration fee to the Commission of \$960.00.

C. Apprentice Application Fee. Every applicant for apprenticeship shall remit to the Commissioners of Pilotage for the Lower Coastal Area a non-refundable fee of \$25.00.

D. The Commissioners shall remit to each member of a board of examiners a sum of \$50.00 as compensation for each license examination.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-040. Pilot Vessel Operation.

A. The pilots for the Lower Coastal Area shall obtain and engage the dedicated services of two or more privately owned pilot vessels for the sole benefit of the pilots.

B. An appropriate number of such vessels shall be manned and available for duty 24 hours per day, seven days per week, such number to be determined by the Commissioners.

C. Every pilot vessel shall be materially sufficient and properly manned for its intended duty to the satisfaction of the Commissioners.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-041. Pilot Communications Center for the Lower Coastal Area.

A. The pilots for the Lower Coastal Area shall obtain and engage the services of a privately owned manned communications center capable of receiving telephone and radio requests and other orders for commercial vessel pilot services on a 24-hour per day, seven days per week basis.

B. Nothing shall prevent such a communications center from collecting and assimilating such information, and from providing it gratuitously, or otherwise, to subscribers and other interested parties.

C. The pilots shall not be responsible to the Commissioners for any misuse, incurred costs, or damage resulting from the dissemination of information acquired by the communications center unless such information, known to be false, incorrect, or misleading, is knowingly and willfully disseminated.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-045. Pilot Charges and Fees.

A. Pilotage charges and rates shall be promulgated by the Commissioners in accordance with the applicable sections of the 1976 Code.

B. The pilots shall be due payment for individual pilotage charges and fees upon the departure of any vessel from the Port, except when the pilots have elected to extend credit to such vessel owner, vessel operator, principal agent or local agent. In such cases, all payments are due not later than forty-five (45) days after the vessel's arrival in port.

C. Any agent or other non-vessel owner who makes arrangements for credit for pilotage shall be held responsible by the pilots for the amount credited if that amount is not paid within the forty-five (45) day period.

D. Pilotage charges are based upon the services of one pilot unit. No additional charges are authorized for other pilots or apprentices taken aboard a vessel for the purpose of training or route familiarization. However, nothing shall prohibit additional pilotage charges from being made whenever additional pilots are required to assure the safe maneuvering of the vessel. In such cases, one additional pilot unit may be charged for every additional pilot so embarked.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-050. Federal Pilot Licensure.

A. In order that every U. S. flag vessel calling at the Lower Coastal Area be rendered properly authorized pilotage, every pilot for the Lower Coastal Area in addition to his/her state license, may also hold a valid federal first class pilot license for the Lower Coastal Area. Such federal licensure, while a practical necessity, is not a prerequisite for state licensure.

B. The pilots are authorized to perform federal pilotage services to merchant vessels requiring federally licensed pilots and to public vessels of the United States, provided that such service does not conflict with their duties as state pilots.

C. Federal law [46 USC 8502(b)] prohibits state pilots from charging more for federal pilotage than the customary rates. The pilots are authorized to charge less and are further authorized to enter into contract(s) for the performance of federal pilotage.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-051. Commissioner Authority over Federal Pilotage.

A. The Commissioners have no authority over any vessel required to take a federal pilot, [see 46 USC 8501(d) and 46 USC 8502(c) and (d)], nor do they have any authority over the service of any individual who is licensed as a federal pilot.

B. Any state pilot whose federal license is suspended or revoked may be subject to the suspension and revocation of his or her state license, pursuant to the 1976 Code Section 54-15-320.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-060. Marine Casualties, Accidents and Other Reports.

A. Marine Casualties are defined in 46 CFR 4. These are required to be reported to the Coast Guard by the owners, operators, masters or agents of vessels so involved. This requirement affects all U.S. commercial vessels and every foreign flag vessel on U.S. waters.

- B. Hazardous conditions are defined in 33 CFR 160.203 and must be reported to the Coast Guard.
- C. Navigation safety regulations are prescribed in 33 CFR 164 to protect the Port.
- D. Every pilot must immediately report every marine casualty, hazardous condition and violation of a navigation safety regulation to the Coast Guard and to the Commissioners of Pilotage for the Lower Coastal Area.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-061. Reports of Coast Guard Investigations.

- A. The Commissioners shall request copies of all Coast Guard investigations pertaining to accidents, marine casualties, complaints, and disciplinary actions including suspension and revocation proceedings and civil penalty actions which occurred within their area of jurisdiction.
- B. The Commissioners shall establish procedures to take appropriate action whenever a state pilot has been subjected to a Coast Guard finding of misconduct, negligence, physical or mental incompetence, or violation of federal law or regulation.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-070. Pilot Functions and Responsibilities.

A. Pilot services shall be made available to the master of every inbound vessel that requires a state pilot pursuant to the 1976 Code Section 54-15-270.

B. Every pilot received on board a vessel for the Lower Coastal Area subject to the jurisdiction of the Commissioners shall remain on board such vessel while in transit between the pilot station and its terminal or anchorage. The transit shall begin on inbound vessels when the pilot assumes the control of the ship and shall end when the first line is passed to a pier, wharf or other waterfront facility, or until the vessel is anchored fast to the bottom. The transit shall begin on outbound vessels when the last line is passed or when the anchor is aweigh, and shall end when the pilot is discharged by the vessel's master, having arrived at that place on the bar where the adjoining depths of water are sufficient for safe navigation. The transit on shifting vessels shall be from the passing of the last line or weighing of the anchor until the first line is passed or the anchor is made fast to the bottom.

C. Every vessel described in the 1976 Code Section 54-15-270 requiring a state pilot shall receive on board such pilot to direct the vessel movement for every inbound and outbound transit of the port and for shifting berths and anchorages within the port. This requirement applies regardless of the source of vessel propulsion, be it self propelled or propelled by tugs. If the master or operator of any seagoing vessel requiring a state pilot shall refuse to receive on board a pilot, such circumstance shall be considered a "hazardous condition" pursuant to 33 CFR 160.203 and shall immediately be reported to the Coast Guard.

D. No pilot licensed by the Commissioners shall knowingly pilot any vessel, the operation of which, in the opinion of such pilot, may introduce an unnecessary risk to the port, other vessels, or the marine environment.

(1) An "unnecessary risk" includes situations where any vessel is deemed by the pilot not to be in compliance with applicable Federal Navigation Safety Regulations, or where the condition of any vessel's operation, in the opinion of the pilot, constitutes a "hazardous condition" as defined by federal regulations.

(2) An "unnecessary risk" may also include situations that may prevent or inhibit the safe movement of a vessel, including, but not limited to, instances wherein the wheelhouse or bridge is not properly manned by sufficient numbers of qualified crew members or, conversely, when the wheelhouse or bridge is encumbered by the presence of extraneous persons who are not members of the crew, docking pilots, pilots or apprentice pilots, owners, agents or operating managers.

(3) Nothing in this subpart shall prevent a pilot from piloting any vessel when, in his or her opinion, the vessel's safety or the safety of the port would be further impaired or endangered by the pilot's refusal to provide pilotage.

E. No pilot may depart any outbound vessel in pilot waters until that vessel has met or passed any other vessel also navigating on those pilot waters.

F. The pilots may elect to waive the rates and fees for vessels refusing to receive a pilot on board as provided in 1976 Code Section 54-15-270; provided that such vessels have a maximum draft of less than eleven feet and are not engaged in commerce. Whenever such waivers are granted, neither the pilots nor the vessel will be deemed to be in violation of 1976 Code Sections 54-15-220 and 54-15-270, respectively.

G. The pilots may assign more than one pilot to any given vessel if, in their opinion, an additional pilot is necessary to assure adequate visibility or otherwise ensure the safe maneuvering of said vessel.

H. A master or licensed operator of any vessel may relieve the state pilot on board under certain circumstances where the safety of the vessel is perceived by the master, or licensed operator, to be at risk, however;

(1) No master or licensed operator of any vessel, having relieved the state pilot on board, shall then serve as the pilot on such vessel when the pilot has refused to pilot the vessel pursuant to the conditions described in subparts 136-070D(1) and 136-070D(2).

(2) Whenever a pilot on a vessel has been relieved by a master or licensed operator of said vessel or whenever a pilot refuses to pilot any vessel, such pilot shall immediately broadcast a Sécurité voice message on VHF Channels 13 and 16, stating the name of the vessel, its present position, direction of movement and speed, and the fact that a properly licensed pilot is neither directing nor controlling the vessel's movement.

(3) Whenever a pilot on a vessel has been relieved by the vessel's master or licensed operator or whenever a pilot refuses to pilot any vessel, he shall remain aboard until his disembarkation can be safely effected. Under such circumstances, such pilot is not in the service of his or her license. If such a pilot believes he or she can be of value to the vessel's master or operator subsequent to the aforementioned relief or refusal, the pilot shall offer his or her services and recommendations to the master or licensed operator, so as to mitigate risk or to provide the maximum safety under the conditions. Unless such a pilot broadcasts a second Sécurité call on VHF Channels 13 and 16 that he or she has reassumed control, such pilot will not be considered in the service of his or her license.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009.

136-071. Vessel Traffic Movement Restrictions.

A. The pilots may from time to time, under the authorities of their licenses, make general determinations relative to safe vessel movement. These determinations may consider, but not be limited to, vessel draft, state of tide, channel depths, direction of tidal currents, individual vessel maneuvering characteristics, vessel size, presence of other vessels, width of channels, and visibility.

B. The pilots shall consider any portended vessel movement that does not meet their criteria for safety as a "hazardous condition" and may refuse to serve. Any pilot encountering this situation shall report same accordingly pursuant to subpart 136-070H(2), if the vessel persists in its intentions to move against the advice of the pilots.

C. The owners or operators of any vessel adversely affected by a pilot's decision regarding its movement may appeal that decision to the Commissioners provided that such decision was not made by the Coast Guard based upon the report of a "hazardous condition" by a pilot. In which case, the appeal should be made to the Coast Guard.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-072. Docking and Undocking.

A. Every master of every vessel requiring state pilotage may elect to dock or undock the vessel. Alternatively, every master may employ the services of docking masters (or "docking pilots") to maneuver the vessel in or out of the dock.

B. Whenever tugs are not engaged and whenever a qualified docking master is not assigned at a vessel master's request, a state pilot may serve as docking master.

C. State pilots, whether or not employed as docking masters, will serve every vessel on board which they are embarked as pilots. Under such circumstances, their functions will be:

(1) Advise the master of a vessel if a person purporting to be a docking master or docking pilot is known as such by the pilot to be a qualified docking master.

(2) Be prepared to direct the vessel's movement whenever:

- (a) A docking maneuver may be aborted, or
- (b) An undocking maneuver has been completed, or
- (c) A vessel's master requests the pilot's services.

(3) Provide communications services to the vessel's master with respect to the movement of other vessels.

(4) Perform the duties of bar and harbor pilot at such times and in such places whenever the safe navigation of the vessel requires, regardless of the status of tugs alongside.

(5) Whenever a qualified docking master is controlling the vessel during a docking or undocking maneuver, and a safety need is deemed to exist in the expert opinion of the State-licensed pilot, the pilot must intervene through the vessel master.

D. No state pilot on board any vessel on which he or she is serving as pilot, shall be held responsible by the Commissioners for the consequences of any unsuccessful docking or undocking maneuver whenever the master or operator has employed a docking master or has elected to dock or undock said vessel himself.

E. The state pilot and any qualified docking master, employed by the master of any vessel subject to the jurisdiction of the Commissioners, shall agree at whatever point in the vessel's docking or undocking evolution that the one shall take control of the vessel from the other. In the absence of such an agreement, the state pilot shall be required to serve as pilot and to direct the movement of every self-propelled vessel, unless otherwise relieved by the vessel's master, whenever the sole vector of motion of such vessel is the result of that vessel's own propulsion machinery and steering apparatus.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 20, Issue No. 6, Part 1, eff June 28, 1996; State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-075. Pilotage Areas.

A. The federal boundary lines defined in 46 CFR 7.65, 46 CFR 7.70 and 46CFR 7.75 describe the areas of the coastal waters along the coast of South Carolina that delineate the application of federal pilotage requirements. These same boundary lines shall encompass those waters upon which the Commissioners also require pilotage on those vessels subject to state pilotage laws and regulations.

B. The Commissioners of Pilotage for the Lower Coastal Area shall extend these defined waters seaward of the federal boundary lines whenever necessary to:

(1) Assure that every foreign flag vessel or US vessel under register, while transiting offshore waters that otherwise may present the risk of grounding in the process of calling at every South Carolina port, is conducted and piloted by a pilot licensed by the Commissioners of Pilotage for the Lower Coastal Area.

(2) Assure that every foreign flag vessel or US vessel under register calling at offshore moorings located within offshore waters under the jurisdiction of the State of South Carolina is conducted and piloted by a pilot licensed by the Commissioners of Pilotage for the Lower Coastal Area.

C. The pilot station for the pilot vessels cruising off shore shall be in the approximate vicinity of the designated sea buoy or on the waters of the Atlantic Ocean up to two nautical miles seaward of the boundary lines.

HISTORY: Added by State Register Volume 21, Issue No. 2, eff February 28, 1997. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-080. Enforcement of Pilot Statutes and Maritime Homeland Security.

A. Every pilot, or operator of any pilot vessel regulated pursuant to 1976 Code 54-15-170, who detects any apparent violation of 1976 Code Sections 54-15-270 and 54-15-280, and 1976 Code Section 40-1-200, wherein an unlicensed person is acting as a pilot, said pilot shall immediately report

such circumstances to the sheriff of the county having jurisdiction, and/or to such other law enforcement authority designation by the Commissioners. The reporting pilot or pilot vessel operator shall thereupon identify the vessel by name, type, ownership, flag, homeport, and, if known or suspected, the vessel's apparent destination within the affected port, its present location and apparent speed, and any other particulars of interest. The pilot or pilot vessel operator shall provide any sheriff, or deputy sheriff, or other duly authorized law enforcement officer of the State with full details involving any attempts to inform such a vessel of the requirements of Title 54, Chapter 15, and/or 46 CFR 15. Further, the reporting pilot and/or any other licensed pilot or pilot vessel operator may assist the appropriate law enforcement agency in lawfully causing the vessel in violation to comply with State law. Such assistance might include the use of any pilot vessel that is under the command of a State-licensed pilot.

B. Notwithstanding the requirement of Part 136-070C to immediately report such violations of pilotage statutes as "hazardous conditions" to the U.S. Coast Guard, the pilot shall also initiate a voice SECURITE' call on VHF Channels 13 and 16. When and if such a vessel is indicating it is a U.S. flagged vessel, such message shall advise all marine traffic that a vessel requiring a pilot is underway on the bar and/or harbor may be in violation of federal laws and regulations with respect to manning.

C. The Commissioners consider this enforcement role of pilots, and by the pilot vessels under their command, as being in the interest of the safety and security of the port(s) at which the pilots are licensed. Pilots and pilot vessels constitute a major surveillance asset for achieving maritime domain awareness in order to protect the port, its population, its waterways and structures, and its marine environment from the consequences of a maritime disaster, accidental or deliberate, and other like illegal activities. Pilots and pilot vessel operators shall immediately report suspicious activities and events or other actions detected upon the bar and harbor that they may consider illegal to the sheriff and/or other law enforcement official designated by the Commissioners.

D. Pilots and pilot vessels are part of Division II of the S.C. Naval Militia pursuant to 1976 S.C. Code Section 54-17-50 and S.C. Regulation 80-010(5)(b). As such they shall immediately report to the Coast Guard any and all circumstances observed that are deemed to be of a suspicious nature and that might threaten the maritime security of the port and state. Pilot vessels are considered to be law enforcement vessels of the State of South Carolina.

E. The Commissioners authorize such pilot vessels, addressed in 1976 Code 54-15-170 and S.C. Regulation 136-040, to be employed in support of maritime homeland security missions in any Maritime Security (MARSEC) condition. Unless operational control is assumed by the U.S. Coast Guard, the use of these assets shall be controlled by the respective pilots in command of such vessels, and may include, but not be limited to, transportation for law enforcement boarding terms, surveillance and detection, surveys, logistics and other maritime domain awareness purposes.

HISTORY: Added by State Register Volume 33, Issue No. 5, eff May 22, 2009.

136-090. Pilot Response.

A. The pilots will act upon all requests for pilot services without delay, provided they have been notified a minimum of three hours prior to any vessel's intended movement.

B. The pilots will ensure the coordination of pilot assignments in the movements of all state piloted vessels that are or will be underway at the same time on those waters subject to the jurisdiction of the Commissioners.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-095. Appeals.

A. Any person or organization that has any complaint or other grievance with the actions of the Commissioners or the pilots, shall submit such complaint to the Commissioner's of Pilotage for the Lower Coastal Area in writing. The Commissioners shall thereupon take any action as required by statute.

B. Appeals to decisions resulting from suspension and revocation proceedings shall be made in accordance with Section 1-23-380 of the 1976 Code.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-099. Penalties.

A. Suspension or revocation of pilot licenses shall be initiated and prosecuted pursuant to 1976 Code Section 54-15-320 and Section 1-23-370.

B. Fines, forfeitures, and other penalties shall be initiated and prosecuted pursuant to 1976 Code Section 54-15-340.

C. Nothing contained within the penalty provisions of 1976 Code Title 54, Chapter 15, shall be construed to preempt or constrain the investigation or imposition of any criminal or civil action authorized or required by either federal or state law, and the investigative procedures and penalties provided in Chapter 1 of Title 40, 1976 S.C. Code, as amended.

HISTORY: Added by State Register Volume 16, Issue No. 7, eff July 24, 1992. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 33, Issue No. 6, eff June 26, 2009.

ARTICLE 3 UPPER COASTAL AREA

(Statutory Authority: 1976 Code § 54-15-140)

136-701. Purpose.

A. The purpose of these regulations is to establish standards for the promotion and continuance of a centralized, coordinated system of pilotage that will assure the safe and efficient movement of ocean-going shipping in to, out of and within the seaports of the State of South Carolina.

B. Safety shall be the primary objective of pilotage and shall focus upon the safety of vessels in transit, of vessels moored, of bridges and other waterfront structures, of channels and other navigable waterways, and protection of the marine environment.

C. Pilotage standards shall pursue the major objective of safety and the secondary objective of efficient movement by addressing, but not be limited to, each of the following aspects:

- (1) Selection, training and qualification of pilots.
- (2) Licensure and registration of pilots.
- (3) Reports of accidents, risks, and other matters affecting vessel safety.
- (4) Relationship to federal pilotage.
- (5) Pilot logistical support systems.
- (6) Vessel movement restrictions.
- (7) Docking and undocking.
- (8) Administration.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-703. Definitions.

A. "Apprentice" is defined to mean an individual approved and certified by the Commissioners who is undergoing an approved pilot training and qualification program.

B. "Bar" is defined to mean the entrance to any port at such place in the Atlantic Ocean where the U. S. Army Corps of Engineers is authorized to commence harbor maintenance.

C. "Branch" is defined to mean a category of pilot license denoting the absence of restrictions, or the level of restriction, placed upon the holder of said license.

D. "Coast Guard" is defined to mean the United States Coast Guard.

E. "Commissioners" is defined to mean the Commissioners of Pilotage for the Upper Coastal Area.

F. “Draft” is defined to mean the deepest vertical distance required by any vessel to float measured from the surface of the water to a depth equal to the deepest portion of a vessel’s hull or appurtenances.

G. “Examiners” is defined to mean a member of a Board of Examiners convened by the Commissioners to examine apprentices for issuance of pilot licenses, and to examine pilots holding restricted pilot licenses for the next higher license.

H. “Federal Pilot” is defined to mean any person licensed under the provisions of 46 USC 7101–7114, and required to serve under the authority of 46 USC 8502, or who may be required to serve under 46 USC 8503.

I. “Foreign Flag” is defined to mean a vessel registered in a country other than the United States.

J. “Full Branch” is defined to mean a license with no restrictions.

K. “Gross Tons” is defined to mean the gross registered tonnage of any vessel as measured under the 1969 International Tonnage Convention.

L. “Harbor” is defined to mean the waterways inshore of the bar, within a port, on which commerce may be carried.

M. “License” is defined to mean a document issued by the Commissioners to a pilot authorizing that individual to serve as a State pilot on board such vessels requiring same.

N. “Pilot” is defined to mean an individual licensed by the Commissioners as a pilot for the Upper Coastal Area.

O. “Pilot Waters” is defined to mean those waters of the bar and within the harbor on which pilots are required.

P. “Port” is defined to mean the geographic area, defined by political boundaries, surrounding and including the harbor and bar.

Q. “Public Vessel” is defined to mean a vessel meeting the definition of contained in 46 USC 2101(24).

R. “Seagoing Vessel” is defined to mean any vessel, or combination of tug and tows, that measure 200 or more gross tons, and/or draw 8 or more feet.

S. “Short Branch” is defined to mean a pilot license that is restricted to service on vessels of certain size and draft limitations.

T. “State Pilot” is defined to mean a pilot licensed by the Commissioners.

U. “Vessel” is defined to mean, generally, every contrivance of watercraft, including craft self propelled by machinery and/or sail, and non-self propelled craft towed or pushed by another craft.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–705. Area of Jurisdiction.

The Commissioners for the Upper Coastal Area have jurisdiction for the pilot waters between the South Carolina side of Little River and Cape Romain, S. C.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–707. Policies and Procedures Manual.

The Commissioners shall publish and maintain a current POLICIES AND PROCEDURES MANUAL (PPM). The PPM shall provide guidance regarding the administration of matters coming before the Commissioners.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–710. Requirement for Licensure.

No person may be licensed as a pilot without first having successfully completed the required two-year program of apprentice training and qualification, as well as the Apprentice Training Course

approved by the Commissioners. This is applicable to temporary and emergency licenses as well as to regular full Branch and Short Branch licenses.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 36, Issue No. 6, eff June 22, 2012.

136–711. Apprentice Training and Qualification Program.

A. The apprentice training and qualification program shall include the satisfactory completion of an Apprentice Training Course approved by the Commissioners.

B. In addition to satisfactory completion of the Apprentice Training Course, every apprentice shall become qualified to perform boat crew duties on board every class of pilot vessel for the Upper Coastal Area. The apprentice training and qualification program shall consist of both the approved Apprentice Training Course and the two-year term of apprentice training.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–712. Apprentice Selection Process.

A. Applicants for apprenticeship shall submit applications to the Commissioners on application forms provided by the Commissioners. A non-refundable application fee shall be submitted with each application.

B. Upon a determination of eligibility by the Commissioners, copies of the complete applications of eligible applicants will be forwarded to the pilots.

C. At such times as vacancies may be forecast or occur within the register of pilots, the Commissioners shall certificate from among the eligible applicants the best qualified individual or individuals for apprenticeship. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking, promulgated by the Commissioners. No agency, including the Commissioners of Pilotage, shall require the selection of more apprentices than needed to fill projected vacancies.

D. Numerical ranking shall be based upon a 100 point system, with 25 points for each of the following categories:

(1) Academic. Each High School Graduate shall receive 5 points. In addition, each applicant's cumulative Grade Point Average, on a 4.0 scale, shall be multiplied by a factor of five for persons with a baccalaureate degree and by a factor of 2.5 for persons with an associate, or equivalent, two year degree.

(2) Previous maritime experience. The Commissioners shall award points to applicants pursuant to subpart 136–715.

(3) Interview. Every applicant shall be interviewed by the Commissioners. Each person interviewed shall be assigned from 0 to 25 points based upon objective scoring guidelines published by the Commissioners.

(4) Pilot potential. The Commissioners shall forward the application files of every eligible applicant to the pilots who shall consider the documentary evidence submitted with the application, any letters of recommendation received, and other information in the applicant's file. The pilots shall assign from 0 to 25 points to those applicants whose applications indicate that they have the greatest potential and who they believe are the best qualified to become pilots and future business partners, in accordance with the criteria contained in the POLICIES AND PROCEDURES MANUAL.

E. The name(s) and ranking(s) of the applicant(s) recommended by the pilots for certification as apprentice pilots will be submitted to the Commissioners along with the names and rankings of the next five highest-ranked applicants not recommended.

F. The Commissioners may approve the name(s) recommended by the pilots or they may return the name(s) for reconsideration.

G. The Commissioners shall award a Certificate of Apprenticeship to every apprentice they have approved. Said Certificate shall terminate upon satisfactory completion of the apprentice training program, or upon the termination of the apprentice for cause or resignation.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-713. Pilot Age Limitations.

The required physical rigors and necessary stamina render service as a pilot for the Upper Coastal Area to be such that no pilot age seventy-five years or older will be registered.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-714. Apprentice Citizenship and Physical Requirements.

A. Every apprentice applicant must meet the requirements of Section 54-15-90 of the 1976 Code and the Coast Guard requirements for citizenship, physical health and general federal licensure as contained in 46 CFR 10.201-10.223.

B. All apprentice applicants must certify and be prepared to demonstrate that they can swim, unassisted, for a distance of not less than 100 meters, and can remain afloat, unassisted, for a period of not less than fifteen minutes, immediately thereafter.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-715. Previous Maritime Experience, Apprentice Applicants.

A. The Commission shall ensure that eligible applicants for apprenticeship be assured that any previous maritime experience is considered in the selection process.

B. The Commissioners shall assign up to 25 points to any applicant who has demonstrated previous maritime knowledge or experience. Consideration will be given to the following federal license and experience factors:

KIND OF MARINE EXPERIENCE DOCUMENTED POINTS

1. Master, Oceans, any gross tons 21
2. Chief Mate, Oceans, any gross tons 19
3. Second Mate Oceans, any gross tons 17
4. Third Mate, Oceans, any gross tons 15
5. Master, Near Coastal less than 100 GT 10
6. Operator, uninspected towing vessel or Inland Master 10
7. Federal First Class Pilot license or endorsement 1
8. Motorboat Operator license 5
9. Small craft and sailing experience
 - (a) Collegiate sailing team member, yrs on team 1 to 4
 - (b) Local sailing and offshore regatta crew 1 to 5
 - (c) Small craft operation on the local harbors and 5 approaches, 1 point per year but experience must equal or exceed 100 days per year, up to a maximum of (NOTE: The points awarded for small craft experience can not total more than five points.) Points awarded to the above factors 1 through 9 may be accumulated to a maximum of 25.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-716. Apprentice Training Course Curriculum.

A. Satisfactory completion of the Apprentice Training Course for the Upper Coastal Area, as approved by the Commissioners and the Commandant of the U. S. Coast Guard, requires that the apprentice must have satisfactorily completed a minimum of 360 days of training aboard vessels over 1600 gross tons. This Course of Instruction is approved by the Commandant of the U. S. Coast Guard pursuant to 46 CFR 10.307.

B. General Curriculum Requirements:

- (1) In order to satisfactorily complete this training course, every apprentice must solo, to the satisfaction of the majority of the supervising pilots, on every route, day and night, ebb and flood

tides, and on every size category of vessel calling at the Port. The curriculum of the approved course requires that apprentices learn to direct the movement of vessels, apply the proper rules of the nautical road and other maritime procedures, interface and coordinate with other affected vessels and facilities, and record certain information. During each vessel movement to which the apprentice is assigned, the apprentice shall accompany the licensed pilot assigned to the vessel. The licensed pilot serves as the expert-master and interacts with the apprentice in observational and mastery learning processes. The ultimate result of the training is marked by the apprentice's satisfactory piloting of vessels under the supervision of the various pilots assigned to those movements without the need for those assigned pilots to offer coaching or verbal guidance. This accomplishment is termed a "solo".

(2) In addition to the above, the progress of every apprentice must be marked semi-annually during his or her term of apprentice training by the pilots with whom he or she has received instruction in the areas of:

- (a) Procedures
- (b) Skillfulness
- (c) Communications
- (d) Attitude

(3) Every apprentice must receive satisfactory grades from the majority of the pilots during each semi-annual progress report period. A 3.2 grade point average on a 4.0 scale, in every area of grading, is required as the minimal satisfactory grade. This minimal grade shall be obtained during the final progress report period in order for an apprentice to receive a certificate that he or she has satisfactorily completed this training course. The Course Monitor shall semiannually advise each apprentice regarding his or her progress and shall also advise the Commissioners.

(4) Failure to receive satisfactory grades during the Apprentice Training Course can result in the termination of the apprentice training program for any apprentice at any point in the program by the Commissioners.

(5) The discovery that any apprentice fails to satisfy the physical requirements for federal licensure shall be just cause for the termination of any such apprentice, without regard to the grades received in the Apprentice Training Course.

C. Upon satisfactory completion of the approved Apprentice Training Course, the apprentice will be awarded a Certificate of Completion by the designated Course Monitor.

D. Any federal licensure as a federal First Class Pilot obtained by any apprentice before the completion of the apprenticeship training and qualification program shall not terminate nor shorten the three-year term of apprentice training.

E. No person shall represent himself or herself as an apprentice unless he or she has been approved and certified as an apprentice by the Commissioners. No pilot shall be required to train any uncertified person on board any vessel subject to the jurisdiction of the Commissioners. Any uncertified person posing as an apprentice aboard any vessel subject to the jurisdiction of the Commissioners shall be considered in violation of 1976 Code Section 54-15-280.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-717. Completion of Apprenticeship.

A. Upon the successful completion of the two year apprenticeship training and qualification program for the Upper Coastal Area including certification by the Course Monitor of satisfactory completion of the Apprentice Training Course at Georgetown, the pilots shall provide the Commissioners with the name of every successful apprentice, along with a copy of his or her Branch License issued by the Commissioners of Pilotage for the Upper Coastal Area and their recommendations regarding his or her prospective licensure by the Commission.

B. The complete training record of every apprentice so recommended shall be brought before the Commissioners at the time such apprentice's name is presented.

C. Nothing shall prohibit the Commissioners from periodically reviewing the progress of any apprentice undergoing training, and reviewing the progress reports on every apprentice that have been submitted by the pilots.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 36, Issue No. 6, eff June 22, 2012.

136-720. Short Branch Qualification.

A. The term of the apprentice training and qualification program shall be followed by a period of not less than two years for advanced qualification as a Short Branch pilot.

B. With the consent of any apprentice who has passed the term of apprenticeship, the commencement of the period of short branch qualification may be suspended for a period of time, subject to the approval of the Commissioners. Under such circumstances, the Commissioners shall assure that the passed apprentice has completed a sufficient number of refresher round trips prior to licensure.

C. The various tonnage and draft limitations for each short branch shall be:

- (1) Initial (first) Short Branch (one year) . . . 24 feet deep draft. No tonnage restriction.
- (2) Second Short Branch (one year) . . . 27 feet deep draft. No tonnage restriction.

D. While undergoing advance qualification, Short Branch pilots may be observed by Full Branch pilots on board such vessels to which the Short Branch pilots may be assigned.

E. Upon the completion of an appropriate period of time for any particular Short Branch, the satisfactory completion of which shall be determined by the pilots, the pilots shall submit to the Commissioners a listing of every vessel piloted by the Short Branch pilot during that period, as well as a synopsis of any difficulties encountered, to demonstrate the performance of the Short Branch pilot.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 23, Issue No. 5, eff May 28, 1999; State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-730. Pilot Registration.

A. The maximum number of pilots for the Upper Coastal Area is limited to three (3), and may be increased by the Commissioners of Pilotage for the Upper Coastal Area to five (5). The minimum number of Full Branch pilots for the Upper Coastal Area shall be established by the Commissioners to be sufficient to handle the number of vessels requiring pilot services, in accordance with Section 54-15-130 of the 1976 South Carolina Code, as amended. The Commissioners for the Upper Coastal Area may authorize a number of Short Branch pilots in addition to the number established for Full Branch pilots.

B. Every pilot being registered shall have a thorough physical examination every year. An individual's registration remains valid through the end of the month in which the first anniversary of the most recent satisfactory physical examination occurs. If invalidated by expiration of the previous physical, registration is restored once a satisfactory physical examination has been completed, without further action by the Commission or other authority. Pilots holding and maintaining a Medical Certificate for a First Class Pilot issued by the United States Coast Guard are deemed medically fit to perform the duties of a State Registered Pilot. Annual physicals will be recorded on a form approved by the Commissioners that is: (a) signed by an appropriately licensed physician; (b) signed by the applicant attesting to the status as of that date of his or her Coast Guard Medical Certificate; and (c) submitted within 30 days of the completion of the physical. Pilots not holding a current Medical Certificate issued by the United States Coast Guard for a First Class Pilot may petition the Commissioners for a determination of medical fitness by alternate means.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008; State Register Volume 36, Issue No. 6, eff June 22, 2012; State Register Volume 40, Issue No. 5, Doc. No. 4574, eff May 27, 2016.

136-732. Board of Examiners.

A. The Board of Examiners shall supervise the administration of a written examination, approved by the Commissioners, to every candidate for pilot licensure.

B. The Commissioners shall provide the Examiners written documentation relative to the qualifying piloting experience of the license candidate. The Examiners shall be unanimously satisfied that

the evidence of experience provided adequately demonstrates the necessary experience for the license for which the candidate is to be licensed.

C. The Examiners shall orally examine each candidate for licensure with spontaneous questions and discussion. These questions shall be of equal importance and difficulty. These questions shall be of a technical maritime nature and shall include those subjects included in Section 54-15-70 of the 1976 South Carolina Code, as amended.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-735. Fees.

A. The following fees shall be remitted to the Commissioners of Pilotage for the Upper Coastal Area for each of the respective licenses issued for the Upper Coastal Area:

- (1) First Short Branch \$250.00
- (2) Second Short Branch \$100.00
- (3) Full Branch \$150.00
- (4) Certificate of Apprenticeship \$50.00

B. Pilot Registration fee. Every State pilot shall pay an annual registration fee, remitted to the Commissioners of Pilotage, for the Upper Coastal Area as follows:

- (1) Full Branch \$100.00
- (2) Short Branch \$50.00

C. Apprentice Application fee. Every applicant for apprenticeship shall remit to the Commissioners of Pilotage for the Upper Coastal Area a non-refundable fee of \$25.00.

D. The Commissioners shall remit to each member of the Board of Examiners a sum of \$50.00 as compensation for each license examination.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-740. Pilot Vessel Operation.

A. The pilots for the Upper Coastal Area shall obtain and engage the dedicated services of one or more privately owned pilot vessels for the sole benefit of the pilots.

B. An adequate number of such vessels shall be manned and available for duty 24 hours per day, seven days per week, such number to be determined by the Commissioners.

C. Every pilot vessel shall be materially sufficient and properly manned for its intended duty to the satisfaction of the Commissioners.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-745. Pilot Charges and Fees.

A. Pilotage charges and rates shall be promulgated by the Commissioners in accordance with the applicable sections of the 1976 Code.

B. The pilots shall be due payment for individual pilotage charges and fees upon the departure of any vessel from the Port, except when the pilots have elected to extend credit to such vessel owner, vessel operator, principal agent or local agent. In such cases, all payments are due not later than forty-five (45) days after the vessel's arrival in port.

C. Any agent or other non-vessel owner who makes arrangements for credit for pilotage shall be held responsible by the pilots for the amount credited if that amount is not paid within the forty-five (45) day period.

D. Pilotage charges are based upon the services of one pilot unit. No additional charges are authorized for other pilots or apprentices taken aboard a vessel for the purpose of training or route familiarization. However, nothing shall prohibit additional pilotage charges from being made whenever

er additional pilots are required to assure the safe maneuvering of the vessel. In such cases, one additional pilot unit may be charged for every additional pilot so embarked.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-750. Federal Pilot Licensure.

A. The pilots are authorized to perform federal pilotage services to merchant vessels requiring federally licensed pilots, and to public vessels of the United States, provided that such service does not conflict with their duties as State pilots.

B. Federal law [46 USC 8502(b)] prohibits State pilots from charging more for federal pilotage than the customary rates. The pilots are authorized to charge less and are further authorized to enter into contract(s) for the performance of federal pilotage.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-751. Commissioner Authority over Federal Pilotage.

A. The Commissioners have no authority over any vessel required to take a federal pilot, [see 46 USC 8501(d) and 46 USC 8502(c) and (d)], nor do they have any authority over the service of any individual who is licensed as a federal pilot.

B. Any State pilot whose federal license is suspended or revoked may be subject to the suspension and revocation of his or her State license, pursuant to the 1976 Code Section 54-15-320.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-760. Marine Casualties, Accidents and Other Reports.

A. Marine Casualties are defined in 46 CFR 4. These are required to be reported to the Coast Guard by the owners, operators, masters or agents of vessels so involved. This requirement affects all U. S. commercial vessels and every foreign flag vessel on U. S. waters.

B. Hazardous conditions are defined in 33 CFR 160.203 and must be reported to the Coast Guard.

C. Navigation safety regulations are prescribed in 33 CFR 164 to protect the port.

D. Every pilot must immediately report every marine casualty, hazardous condition and violation of a navigation safety regulation to the Coast Guard and to the Commissioners of Pilotage for the Upper Coastal Area.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-761. Reports of Coast Guard Investigations.

A. The Commissioners shall request copies of all Coast Guard investigations pertaining to accidents, marine casualties, complaints, and disciplinary actions including suspension and revocation proceedings and civil penalty actions, which occurred within their area of jurisdiction.

B. The Commissioners shall establish procedures to take appropriate action whenever a State pilot has been subjected to a Coast Guard finding of misconduct, negligence, physical or mental incompetence, or violation of federal law or regulation.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-770. Pilot Functions and Responsibilities.

A. Pilot services shall be made available to the Master of every inbound vessel that requires a State pilot pursuant to the 1976 Code Section 54-15-270.

B. Every pilot received on board a vessel for the Upper Coastal Area subject to the jurisdiction of the Commissioners, shall remain on board such vessel while in transit between the Pilot Station and its terminal or anchorage. The transit shall begin on inbound vessels when the pilot assumes the control of the ship and shall end when the first line is passed to a pier, wharf or other waterfront facility, or

until the vessel is anchored fast to the bottom. The transit shall begin on outbound vessels when the last line is passed, or when the anchor is aweigh, and shall end when the pilot is discharged by the vessel master, having arrived at that place on the bar where the adjoining depths of water are sufficient for safe navigation. The transit on shifting vessels shall be from the passing of the last line, or weighing of the anchor, until the first line is passed or the anchor is made fast to the bottom.

C. Every vessel described in the 1976 Code Section 54–15–270 requiring a State pilot shall receive on board such pilot to direct the vessel movement for every inbound and outbound transit of the port, and for shifting berths and anchorages within the port. This requirement applies regardless of the source of vessel propulsion, be it self propelled or propelled by tugs. If the master or operator of any seagoing vessel requiring a State pilot shall refuse to receive on board a pilot, such circumstance shall be considered a “Hazardous Condition” pursuant to 33 CFR 160.203 and shall immediately be reported to the Coast Guard.

D. No pilot licensed by the Commissioners shall knowingly pilot any vessel, the operation of which, in the opinion of such pilot, may introduce an unnecessary risk to the port, other vessels, or the marine environment.

(1) An “unnecessary risk” includes situations where any vessel is deemed by the pilot not to be in compliance with applicable federal Navigation Safety Regulations, or where the condition of any vessel’s operation, in the opinion of the pilot, constitutes a “Hazardous Condition” as defined by federal regulations.

(2) An “unnecessary risk” may also include situations that may prevent or inhibit the safe movement of a vessel, including, but not limited to, instances wherein the wheelhouse or bridge is not properly manned by sufficient numbers of qualified crew members or, conversely, when the wheelhouse or bridge is encumbered by the presence of extraneous persons who are not members of the crew, docking masters, pilots or apprentice pilots, owners, agents, operating managers or federal officials conducting official business authorized by law.

(3) Nothing in this subpart shall prevent a pilot from piloting any vessel, when in his or her opinion, the vessel’s safety or the safety of the port would be further impaired or endangered by the pilot’s refusal to provide pilotage.

E. No pilot may depart any outbound vessel in pilot waters until that vessel has met or passed any other vessel also navigating on those pilot waters.

F. The pilots may elect to waive the rates and fees for vessels refusing to receive a pilot on board, as provided in 1976 Code Section 54–15–270; provided, that such vessels have a maximum draft of less than eight feet and are not engaged in commerce. Whenever such waivers are granted, neither the pilots nor the vessel will be deemed to be in violation of 1976 Code Sections 54–15–220 and 54–15–270, respectively.

G. The pilots may assign more than one pilot to any given vessel if, in their opinion, an additional pilot is necessary to assure adequate visibility or otherwise ensure the safe maneuvering of said vessel.

H. A master or licensed operator of any vessel may relieve the State pilot on board under certain circumstances where the safety of the vessel is perceived by the master, or licensed operator, to be at risk, however:

(1) No master or licensed operator of any vessel, having relieved the State pilot on board, shall then serve as the pilot on such vessel when the pilot has refused to pilot the vessel pursuant to the conditions described in subparts 136-770D(1) and 136-770D(2).

(2) Whenever a pilot on a vessel has been relieved by a master, or licensed operator, of said vessel, or whenever a pilot refuses to pilot any vessel, such pilot shall immediately broadcast a SECURITE’ voice message on VHF Channels 13 and 16 stating the name of the vessel, its present position, direction of movement and speed, and the fact that a properly licensed pilot is neither directing nor controlling the vessel’s movement.

(3) Whenever a pilot on a vessel has been relieved by the vessel’s master, or licensed operator, or whenever a pilot refuses to pilot any vessel, he shall remain aboard until his disembarkation can be safely effected. Under such circumstances, such pilot is not in the service of his or her license. If such a pilot believes he or she can be of value to the vessel master or operator, subsequent to the aforementioned relief or refusal, the pilot shall offer his or her services and recommendations to the master, or licensed operator, so as to mitigate risk or to provide the maximum safety under the

conditions. Unless such a pilot broadcasts a second SECURITE' call on VHF Channels 13 and 16 that he or she has reassumed control, such pilot will not be considered in the service of his or her license.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-771. Vessel Traffic Movement Restrictions.

A. The pilots may, from time to time, under the authorities of their licenses make general determinations relative to safe vessel movement. These determinations may consider, but not be limited to, vessel draft, state of tide, channel depths, direction of tidal currents, individual vessel maneuvering characteristics, vessel size, presence of other vessels, width of channels, and visibility.

B. The pilots shall consider any portended vessel movement that does not meet their criteria for safety as a "Hazardous Condition" and may refuse to serve. Any pilot encountering this situation shall report same accordingly pursuant to subpart 136-770H(2), if the vessel persists in its intentions to move against the advice of the pilots.

C. The owners or operators of any vessel adversely affected by a pilot's decision regarding its movement may appeal that decision to the Commissioners; provided, that such decision was not made by the Coast Guard based upon the report of a "Hazardous Condition" by a pilot, in which case the appeal should be made to the Coast Guard.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136-772. Docking and Undocking.

A. Every master of every vessel requiring State pilotage may elect to dock or undock his/her vessel. Alternatively, every master may employ the services of docking masters (or "docking pilots") to maneuver the vessel in or out of the dock.

B. Whenever tugs are not engaged and whenever a qualified docking master is not assigned, at any vessel master's request, a state pilot may serve as docking master.

C. State pilots, whether or not employed as docking masters, will serve every vessel on board which they are embarked as pilots. Under such circumstances, their functions will be:

(1) Advise the master of such vessel if any person purporting to be a docking master or docking pilot is known by the pilot to be a qualified docking master.

(2) Be prepared to direct the vessel's movement whenever:

- (a) A docking maneuver may be aborted, or
- (b) An undocking maneuver has been completed, or
- (c) A vessel's master requests the pilot's services.

(3) Provide communications services to the vessel's master with respect to the movement of other vessels.

(4) Perform the duties of bar and harbor pilot at such times and in such places when the safe navigation of the vessel requires said pilot to make navigational recommendations to the vessel master, regardless of the presence or status of tugs alongside.

D. No State pilot on board any vessel, on which he or she is serving as pilot, shall be held responsible by the Commissioners for the consequences of any unsuccessful docking or undocking maneuver whenever the master or operator has employed a docking master or has elected to dock or undock said vessel himself.

E. The State pilot and any qualified docking master, employed by the master of any vessel subject to the jurisdiction of the Commissioners, shall agree at whatever point in the vessel's docking or undocking evolution that the one shall take control of the vessel from the other. In the absence of such an agreement, the State pilot shall be required to serve as pilot and to direct the movement of every self-propelled vessel, unless otherwise relieved by the vessel's master, whenever the sole vector of motion of such vessel is the result of that vessel's own propulsion machinery and steering apparatus.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–790. Pilot Coordination.

A. The pilots will act upon all requests for pilot services without delay; provided, they have been notified a minimum of six (6) hours prior to any vessel's intended movement.

B. The pilots will ensure the coordination of pilot assignments in the movements of all State piloted vessels that are, or will be, underway at the same time on those waters subject to the jurisdiction of the Commissioners.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–795. Appeals.

A. Any person or organization that has any complaint or other grievance with the actions of the Commissioners, or the pilots, shall submit such complaint to the Commissioner's of Pilotage for the Upper Coastal Area in writing. The Commissioners shall thereupon take any action required by statute.

B. Appeals to decisions resulting from suspension and revocation proceedings shall be made in accordance with Section 1–23–380 of the 1976 Code.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.

136–799. Penalties.

A. Suspension or revocation of pilot licenses shall be initiated and prosecuted pursuant to 1976 Code Section 54–15–320 and Section 1–23–370.

B. Fines, forfeitures and other penalties shall be initiated and prosecuted pursuant to 1976 Code Section 54–15–340.

C. Nothing contained within the penalty provisions of 1976 Code Title 54, Chapter 15, shall be construed to preempt or constrain the investigation or imposition of any criminal or civil action authorized or required by either federal or state law.

HISTORY: Added by State Register Volume 18, Issue No. 6, eff June 24, 1994. Amended by State Register Volume 32, Issue No. 5, eff May 23, 2008.