Agency Name: Commissioners of Pilotage - Labor, Licensing and Regulation

Statutory Authority: 40-1-50, 40-1-70, 54-15-10, and 54-15-140

Document Number: 4574

Proposed in State Register Volume and Issue: 39/7

House Committee: Regulations and Administrative Procedures Committee

Senate Committee: Labor, Commerce and Industry Committee

120 Day Review Expiration Date for Automatic Approval: 05/11/2016

Final in State Register Volume and Issue: 40/5

Status: Final

Subject: Pilot Registration

History: 4574

By Date Action Description Jt. Res. No. Expiration Date

- 07/24/2015 Proposed Reg Published in SR

- 01/12/2016 Received by Lt. Gov & Speaker 05/11/2016

H 01/12/2016 Referred to Committee

S 01/13/2016 Referred to Committee

S 03/01/2016 Resolution Introduced to Approve 1129

H 03/23/2016 Resolution Introduced to Approve 5146

- 05/11/2016 Approved by: Expiration Date

- 05/27/2016 Effective Date unless otherwise

 provided for in the Regulation

Document No. 4574

**DEPARTMENT OF LABOR, LICENSING AND REGULATION**

**COMMISSIONERS OF PILOTAGE**

CHAPTER 136

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

136-030. Pilot Registration

136-730. Pilot Registration

**Synopsis:**

 The South Carolina Commissioners on Pilotage propose to amend Regulation 136-030 for the Lower Coastal Area and amend Regulation 136-730 for the Upper Coastal Area regarding the physical examination requirements for pilots.

 A Notice of Drafting was published in the *State Register* on May 22, 2015.

**Instructions:**

 Regulations 136-030 and 136-070 are amended as shown below.

**Text:**

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.

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.

**Fiscal Impact Statement:**

 There will be no cost incurred by the State or any of its political subdivisions for these regulations.

**Statement of Rationale:**

 These regulations are amended to change the requirements for physical examinations.