

TRANSPORTATION CODE
TITLE 4. NAVIGATION
SUBTITLE B. PILOTS
CHAPTER 61. COMPULSORY PILOTAGE

Sec. 61.001. SHORT TITLE. This chapter may be cited as the Texas Compulsory Pilotage Act.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.002. DEFINITIONS. In this chapter:

(1) "Board" means the board of pilot commissioners for a port.

(2) "Consignee" means a person, including a master, owner, agent, subagent, firm, or corporation or any combination of those persons, who enters or clears a vessel at the office of the collector of customs.

(3) "Pilot" means a licensed state pilot or certified deputy pilot.

(4) "Pilot services" means acts of a pilot in piloting through navigable water in this state and ports in which the pilot is licensed or certified as a pilot.

(5) "Pilotage rate" means the remuneration a pilot may charge a vessel for the pilot's services.

(6) "Port" means a place in this state into which a vessel enters or from which a vessel departs. If the port connects to the Gulf of Mexico, "port" includes the waterway leading from the port to the Gulf of Mexico.

(7) "Vessel" means an oceangoing vessel.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.003. DUTY TO ENGAGE PILOT. (a) A consignee having control of a vessel shall obtain a pilot to provide pilot services when the vessel is under way or otherwise moving on a river, bay, harbor, or port in this state unless the vessel is:

(1) documented as a United States vessel and licensed for and engaged in coastwise trade;

(2) a public vessel;

(3) of 20 gross tons or less;
(4) a motorboat registered in this state; or
(5) subject to Subsection (b), in distress or jeopardy.

(b) A consignee having control of a vessel that is in distress or jeopardy shall take on a pilot as soon as the pilot arrives at the vessel.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.004. PAYMENT FOR PILOT. A consignee shall pay a pilot at the applicable pilotage rates.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.005. PILOT OPTIONAL. This chapter does not prohibit a consignee not required by Section 61.003 to engage a pilot from applying for, receiving, and paying for pilot services.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.006. BOARD JURISDICTION. A board has exclusive jurisdiction over piloting of vessels in this state between the Gulf of Mexico and the ports in the board's jurisdiction.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.007. ATTORNEY GENERAL. The attorney general shall assist a board in the enforcement of this chapter.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.008. LIABILITY TO PILOT. (a) A person who pilots a vessel in violation of this chapter is liable for an amount equal to the applicable pilotage rate to the pilot who first demands the amount in writing.

(b) A pilot may bring an action to enforce this section in district court in the county in which the violation occurred.

(c) In an action under Subsection (b), the court shall add to the amount of any judgment in favor of a pilot court costs and reasonable attorney's fees incurred by the pilot in obtaining the judgment.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.009. LIABILITY TO BOARD. (a) A vessel or the owner of a vessel that is piloted in violation of this chapter is liable to a board for \$5,000 for each violation.

(b) The board may bring an action to enforce this section in district court in the county in which the violation occurred.

(c) In an action under Subsection (b), the court shall add to the amount of any judgment in favor of the board court costs and reasonable attorney's fees incurred by the board in obtaining the judgment.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.010. COOPERATION. A pilot providing pilot services shall, to the extent possible, cooperate with the master of the vessel.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

Sec. 61.011. CERTAIN UNITED STATES LICENSE REQUIRED; OFFENSE. (a) A person may not act as a state-commissioned pilot of a vessel in any water in this state unless the person is licensed under Title 46, United States Code.

(b) A person commits an offense if the person violates this section. An offense under this section is a Class A misdemeanor.

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.