

TRANSPORTATION CODE
TITLE 4. NAVIGATION
SUBTITLE B. PILOTS
CHAPTER 63. PILOT BOARDS

SUBCHAPTER A. PILOT BOARDS AND COMMITTEES

Sec. 63.001. GOVERNOR TO APPOINT BOARDS. (a) The governor, with the consent of the senate, shall appoint a board of commissioners of pilots consisting of five persons of respectable standing for each port having a population and circumstances that warrant a pilot board.

(b) Each member of the board serves a term of two years.

(c) When the legislature is not in legislative session, the governor may:

(1) suspend any commissioner until the next legislative session; and

(2) fill any vacancy on the board until the next legislative session.

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

Sec. 63.002. DISQUALIFICATION OF BOARD MEMBER. A pilot board member may not have a direct or indirect pecuniary interest in a pilot boat or branch pilot in the business of the board's trust.

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

Sec. 63.003. POWERS AND DUTIES OF BOARD. (a) A pilot board shall:

(1) examine and determine the qualifications of each applicant for branch or deputy pilot;

(2) recommend meritorious applicants to the governor, if new appointments are proper;

(3) examine any cause of alleged or suspected misconduct or inefficiency in a branch or deputy pilot;

(4) keep a record of its proceedings;

(5) hear and determine all disputes that arise regarding pilots and pilotage;

(6) award to pilots compensation for injurious loss of time incurred in waiting on vessels or by being carried to sea on a vessel by default of the master or owner when the pilot might have been landed;

(7) award to pilots extra compensation for extra services to vessels in distress; and

(8) superintend and generally attend to all matters related to pilots and pilotage.

(b) A pilot board, after a hearing, may suspend a pilot for sufficient cause.

(c) A pilot board may examine and determine the qualifications of a branch or deputy pilot already appointed when the board is organized.

(d) A pilot board may restrict all deputy pilots from piloting over the bar vessels that have over a specified draught of water.

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

Sec. 63.004. PILOTAGE RATES AND RULES. A pilot board may adopt:

(1) pilotage rates;

(2) rules regarding the stations and times that pilots are required to be on duty and provisions for leave of absence;

(3) rules regarding the class, condition, number, and use of pilot boats; and

(4) other minor rules necessary for the government of pilots or for board proceedings.

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

Sec. 63.005. APPEAL OF BOARD DECISION. An appeal from any decision of a board may be taken to a court.

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

SUBCHAPTER B. PROVISIONAL PILOT COMMITTEES

Sec. 63.021. GOVERNOR AUTHORIZES APPOINTMENT. (a) For a port having a population and circumstances that do not warrant the

appointment of a pilot board in this chapter the governor may authorize the county judge of the county to appoint a provisional pilot committee of not less than three and not more than five persons of good character and maritime experience.

(b) In accordance with this chapter, the committee may:

(1) adopt rates of pilotage and rules for governing pilots;

(2) examine the qualifications of pilots and pilot applicants; and

(3) investigate any case of a pilot charged with misconduct or inefficiency and suspend that pilot if sufficient cause is found.

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

SUBCHAPTER C. BRANCH PILOTS AND DEPUTY PILOTS

Sec. 63.041. APPOINTMENT OF BRANCH PILOTS. (a) The governor shall appoint at each port for which a pilot board or provisional pilot committee is established the number of branch pilots necessary from time to time.

(b) A branch pilot serves a term of four years.

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

Sec. 63.042. APPOINTMENT OF DEPUTY PILOTS. (a) Each branch pilot may appoint two deputies, subject to examination and approval by the board.

(b) A branch pilot is responsible for the actions of the pilot's deputy pilots.

(c) A branch pilot who appoints a deputy pilot without the approval of the board forfeits the pilot's appointment as a branch pilot.

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

Sec. 63.043. OATH; BOND. (a) Each branch pilot shall give a bond, payable to the governor, with two or more sufficient sureties.

(b) The bond must:

(1) be in the amount of \$5,000;

(2) be conditioned on the faithful performance of the pilot's duties;

(3) be approved by the board for the port or, if there is not a board for the port, by the county judge of the county in which the port is located; and

(4) be sent to the governor.

(c) A pilot shall take and sign the official oath. The oath shall be endorsed on the bond.

(d) Before the bond is sent to the governor, the bond and oath shall be recorded in the office of the county clerk of the county in which the port is located.

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

Sec. 63.044. RESIDENCE; PROBATIONARY TERM. (a) The board shall specify a term that a person must reside in this state to qualify the person to become a branch pilot for the ports or bays in the board's jurisdiction. The term may not exceed two years.

(b) The board shall establish a term of probation that a person must serve as a deputy pilot before the person may exercise the functions of a branch pilot. The term may not exceed one year.

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

Sec. 63.045. MALFEASANCE; PENALTIES. (a) On proof that a branch or deputy pilot took charge of a vessel while intoxicated, the branch or deputy pilot shall:

(1) for the first offense, be suspended for one month; and

(2) for the second offense, be dismissed and rendered incapable of serving as either a branch or deputy pilot.

(b) A branch or deputy pilot who wilfully or negligently causes the wreck of a vessel shall be dismissed and disqualified from again serving as either a branch or deputy pilot.

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

Sec. 63.046. SUSPENDED PILOT. A suspended pilot may not exercise the duties of the pilot's office.

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

Sec. 63.047. REMOVAL OR REINSTATEMENT OF PILOT. The governor may:

- (1) remove a branch pilot; or
- (2) reinstate a branch pilot who has been suspended by the board.

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