(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 552; Pub. L. 104–324, title VII, § 730, Oct. 19, 1996, 110 Stat. 3940.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8304	46:224a 46:241

Section 8304 implements the Officers' Competency Certificates Convention, 1936, as ratified by the President on September 1, 1938, with understandings appended.

Subsection (a) defines ''high seas'' for this section. Subsection (b) implements the Convention, applies the Convention to United States vessels on the high seas, and exempts certain vessels.

Subsection (c) prohibits the employment or service of an individual as a master, mate, or engineer on a vessel under this section unless the individual has a license issued under section 7101 for the particular capacity in which the individual is employed.

Subsection (d) prescribes a civil penalty for violating this section.

Subsection (e) states that the license referred to in subsection (c) is a certificate of competency for purposes of the Convention.

Subsection (f) provides for the detention of a vessel in violation of this section or the Convention.

Subsection (g) applies the detention provision to a foreign vessel on the navigable waters of the United States and subjects it to an examination for compliance with the Convention.

Subsection (h) provides for an appeal of the detention order.

Subsection (i) permits the designation of a Customs Service officer or employee to enforce this section.

REFERENCES IN TEXT

The Officers' Competency Certificates Convention, 1936, referred to in subsec. (b), is set out in 54 Stat. Pt. 2, p. 1683.

AMENDMENTS

1996—Subsec. (b)(4). Pub. L. 104–324 inserted ''as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title'' after ''200 gross tons''.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

CHAPTER 85—PILOTS

Sec.
8501. State regulation of pilots.
8502. Federal pilots required.
8503. Federal pilots authorized.

HISTORICAL AND REVISION NOTES

Chapter 85 provides for State pilotage to be regulated by the States and only in conformity with the laws of the States. It clearly spells out the preeminence of the State's role in regulating pilots for vessels operating on the bays, rivers, harbors, and ports of the United States. However, those vessels that are required to have a Federally licensed pilot, those that operate on waters outside the territorial sea of the United States, and those that operate on waters of the Great Lakes are not subject to State pilotage laws or requirements. In essence this chapter, with minor changes, confirms the State and Federal relationship with respect to pilotage that has evolved since the founding of the Nation.

This chapter permits the continuation of Federal pilotage requirements for vessels that are not required to obtain compulsory State pilotage. It confirms the practice of allowing anyone with a Federal pilotage endorsement for the waters in which the vessel is operating to be in control of a vessel when engaged in the coastwide trade. It also confirms the practice of using Federal pilots that are often organized into groups or working organizations who offer their expertise and services to vessels that are not required to obtain compulsory State pilotage.

AMENDMENTS

1984—Pub. L. 98–557, § 29(f)(3)(B), Oct. 30, 1984, 98 Stat. 2874, added item 8503.

§ 8501. State regulation of pilots

(a) Except as otherwise provided in this subtitle, pilots in the bays, rivers, harbors, and ports of the United States shall be regulated only in conformity with the laws of the States.

(b) The master of a vessel entering or leaving a port on waters that are a boundary between 2 States, and that is required to have a pilot under this section, may employ a pilot licensed or authorized by the laws of either of the 2 States.

(c) A State may not adopt a regulation or provision that discriminates in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or against vessels because of their means of propulsion, or against public vessels of the United States.

(d) A State may not adopt a regulation or provision that requires a coastwise vessel to take a pilot licensed or authorized by the laws of a State if the vessel—

(1) is propelled by machinery and subject to inspection under part B of this subtitle; or

(2) is subject to inspection under chapter 37 of this title.

(e) Any regulation or provision violating this section is void.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 553; Pub. L. 98–557, § 29(e), Oct. 30, 1984, 98 Stat. 2874.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
8501(a)	46:211
8501(b)	46:212
8501(c), (e)	46:213
8501(d)	46:215

Section 8501 establishes the general proposition that the States regulate pilots in the bays, rivers, harbors, and ports of the United States, unless otherwise specifically provided by law.

Subsection (a) states this general proposition and uses the word ''only'' for emphasis on this point. Further, except as specifically provided in law, the Committee intends that this chapter not be construed to annul or affect any regulation established by the laws of a State requiring a vessel entering or leaving a port in that State to employ a pilot licensed or authorized by the laws of that State. In at least two places in current law, this general proposition is stated in both a positive and negative manner. The Committee intends