

The Code of Alabama 1975

Title 33 NAVIGATION AND WATERCOURSES.

Chapter 4 PILOTS AND PILOTAGE.

Article 1 State Pilotage Commission.

Section 33-4-1

Composition; powers and duties generally.

(a) There shall be a board of pilotage commissioners, to be known as the State Pilotage Commission, which shall consist of three voting members. One voting member shall be an official of a steamship company which maintains an office in Mobile, one voting member shall be an active bar pilot, licensed and branched by the State Pilotage Commission, and one voting member shall be a business person or a person engaged in a professional occupation licensed by the State of Alabama.

(b) An additional member, who shall serve in a nonvoting advisory capacity, may be appointed to the commission by the Governor from a list of nominations by the Chair of the Alabama State Port Authority. Any provision of Section 33-4-3 to the contrary notwithstanding, the advisory commissioner shall serve without reimbursement for expenses incurred on behalf of the commission and shall submit no commissioner's fees.

(c) The membership of the commission shall be inclusive and reflect the racial, gender, geographic, urban/rural, and economic diversity of the state.

(d) The State Pilotage Commission shall have the powers and duties as are prescribed in this chapter and as may hereafter be prescribed by law.

(e) A quorum for the transaction of commission business shall be two voting members of the commission.

(Acts 1931, No. 81, p. 154, §1; Code 1940, T. 38, §46; Acts 1961, Ex. Sess., No. 104, p. 2024, §1; Act 2016-58, p. 82, §3; Act 2018-397, §3.)

Section 33-4-2

Qualifications of commissioners.

All of the members of said commission, at the time of their appointment and during their respective terms of office, shall be citizens of the United States and qualified electors of the State of Alabama.

(Acts 1931, No. 81, p. 154; Code 1940, T. 38, §49.)

Section 33-4-3

Terms, compensation and traveling expenses of commissioners.

The Governor shall appoint said commissioners to hold office for six years from the dates of the expiration of their respective commissions and until their successors are qualified. The commissioners

shall serve without compensation, but all traveling expenses incurred by the commissioners in the performance of their duties shall be paid out of funds in the treasury of the commission.

(Acts 1931, No. 81, p. 154; Code 1940, T. 38, §47.)

Section 33-4-4

Bond of commissioners.

Before entering upon the duties of their office, the commissioners shall execute to the State of Alabama a bond, to be approved by the Governor, in the amount of \$1,000.00, for the faithful performance of their duties.

(Acts 1943, No. 122, p. 123; Acts 1961, Ex. Sess., No. 208, p. 2190.)

Section 33-4-5

Chair; acting chair.

The commissioners shall elect a chair to preside at its meetings who may not be the bar pilot commission member. It shall be the further duty of the chair to supervise the official conduct of all the officers and employees of the commission. The chair may administer official oaths to the officers and employees of the commission, except the other commissioners, and to all other persons in relation to the business of the commission. In the absence of the chair, the remaining commissioners shall select from their number an acting chair to hold office during the absence of the chair. The acting chair shall have all the power and authority possessed by the chair.

(Acts 1931, No. 81, p. 154, §5; Code 1940, T. 38, §50; Act 2009-487, p. 888, §1.)

Section 33-4-6

Secretary.

The State Pilotage Commission may employ a secretary, who may not be a member of the commission, and who shall be paid an annual salary set by the commission. Before entering upon the duties of office, the secretary shall execute to the State of Alabama a bond, to be approved by the Governor, in the amount of three thousand dollars (\$3,000), for the faithful performance of the duties of the office. The secretary shall safely keep and be responsible for all moneys paid into the office of the commission, and for all books and papers of the commission, and attend the meetings and keep a record of their proceedings and of the names of the commissioners present at the meetings. The secretary shall keep an account of all moneys received and paid, and once every three months prepare a statement showing all moneys received and paid for the preceding three months and the source from which the moneys were received and the purpose for which they were paid. A copy of the statement shall be given to each of the commissioners. All moneys collected shall be deposited in a bank or banks designated by the commission and drawn out by check signed by the chair and secretary of the commission.

(Acts 1931, No. 81, p. 154, §7; Code 1940, T. 38, §52; Acts 1943, No. 122, p. 123, §1; Acts 1961, Ex. Sess., No. 208, p. 2190, §1; Act 2009-487, p. 888, §1.)

Section 33-4-7

Meetings.

The commissioners shall meet at least once every three months at such time and place as may be by them selected and may meet oftener as business requires.

(Acts 1931, No. 81, p. 154; Code 1940, T. 38, §51.)

Section 33-4-8

Vacancies in office.

If a vacancy occurs from any cause in the office of a commissioner before the expiration of his term, his successor must be appointed by the Governor and hold office only for the unexpired portion of such term.

(Acts 1931, No. 81, p. 154, §3; Code 1940, T. 38, §48.)

Section 33-4-9

Territorial jurisdiction.

The jurisdiction of said commission, under this chapter, shall extend over the waters of Mobile Bay, Mobile River and over all tributary streams flowing into Mobile Bay and Mobile River in which the tide ebbs and flows, extending to the outer bar below Fort Morgan, Alabama, in the Gulf of Mexico.

(Acts 1931, No. 81, p. 154, §8; Code 1940, T. 38, §53.)

Section 33-4-10

No jurisdiction over harbor masters.

The State Pilotage Commission shall not have jurisdiction over Harbor Masters or deputy masters in any harbor or seaport in the State of Alabama.

(Acts 1931, No. 611, p. 756, §2; Code 1940, T. 38, §54.)

Section 33-4-11

Authority to make rules and regulations, etc.

The State Pilotage Commission shall have the power and authority to make all necessary rules and regulations, regulating the piloting of ships and all watercrafts into and out of any harbor or seaport in the State of Alabama. The State Pilotage Commission shall also have the power and authority to require evidence of the physical and mental fitness of any active bar pilot at any time and to make rules and regulations regarding the physical and mental capacity of such active bar pilots.

(Acts 1931, No. 611, p. 756, §1; Code 1940, T. 38, p 55; Acts 1961, Ex. Sess., No. 104, p. 2024, §2.)

Section 33-4-12

Civil actions to recover forfeitures.

The commissioners may, in their own names as commissioners, or in that of their chairman as such, bring civil actions for and recover any forfeiture accruing under this chapter not otherwise specifically appropriated.

(Acts 1931, No. 81, p. 154, §31; Code 1940, T. 38, §76.)

Section 33-4-13

Fees.

The fees of the commissioners are as follows: For every branch granted, \$10.00; for taking and filing bond and affidavit, \$1.00; giving copy from records, for each 100 words, \$.20; for certifying same, \$.50.

(Acts 1931, No. 81, p. 154, §30; Code 1940, T. 38, §75.)

Section 33-4-14

Records.

The commissioners shall preserve in a well-bound book a record of their acts and of the rules and regulations adopted by them for the direction and government of pilots. They shall also preserve upon record a list of all persons appointed pilots by them, and of those whom they may declare to have forfeited their licenses. All persons interested shall have access to and be permitted to take copies of the record, and copies from such records, certified by the chairman, are presumptive evidence of the facts stated therein.

(Acts 1931, No. 81, p. 154, §29; Code 1940, T. 38, §74.)

Article 2 Pilots Generally.

Section 33-4-30

Number of pilots; application, examination and certification required for license.

(a) At no time shall there exist more apprentices or pilots than are reasonably necessary to meet the requirements of commerce, the number of apprentices and pilots to be left to the reasonable discretion of the State Pilotage Commission.

(b) The commission shall be the sole judge of the seniority and statutory qualifications of applicants to be apprenticed and branched.

(Acts 1931, No. 81, p. 154, §9; Code 1940, T. 38, §56; Acts 1990, No. 90-630, p. 1154, §1.)

Section 33-4-31

Qualifications; age limitations for apprentices.

(a) In order to prevent delays in the apprenticeship and branching of bar pilots, the commission shall when necessary maintain a register of applicants containing no more than nine applicants for apprenticeship, who must be not less than 18 years of age.

(b) Applicants for apprenticeship from the register of applicants will be considered by the commission for apprenticeship in order of their seniority which shall be based upon the date of completion of all requirements to be a bar pilot except apprenticeship, application to be a pilot, passage of the commission's written examination and branch, which requirements are set out in subdivisions (2), (3) and (5) of Section 33-4-34.

(c) No person may commence his or her apprenticeship unless the commission finds that (i) the applicant meets all statutory requirements for apprenticeship required by subsection b above, and (ii) there is a need for an apprentice.

(d) An apprentice must, in order to complete the apprenticeship, (i) complete, to the satisfaction of the commission, at least six months as an apprentice pilot or (ii) make, to the satisfaction of the commission, at least 50 round trips with a branched pilot on vessels in Mobile Bay which are subject to the statutory requirement of compulsory pilotage, whichever first occurs.

(e) No person may be selected for apprenticeship prior to his or her twenty-first birthday.

(Acts 1931, No. 81, p. 154, §10; Code 1940, T. 38, §57; Acts 1961, Ex. Sess, No. 104, p. 2024, §3; Acts 1990, No. 90-630, p. 1154, §1.)

Section 33-4-32

Selection of apprentices.

All apprentices, before becoming eligible for service as such apprentices, shall be selected and approved by said State Pilotage Commission.

(Acts 1931, No. 81, p. 154, §10-B; Code 1940, T. 38, §58.)

Section 33-4-33

Apprentice not to be discharged except for cause; appeal of discharge.

No Mobile Bay or bar pilot apprentice shall be discharged except for cause, and any such apprentice or boatkeeper so discharged may appeal from such discharge to the commission, and should the commission upon an investigation find that such discharge was without sufficient cause, they may annul such discharge and reinstate such apprentice.

(Acts 1931, No. 81, p. 154, § 17; Code 1940, T. 38, §65.)

Section 33-4-34

Application for license, etc., to be in writing accompanied by certificate and affidavit; branching or licensing according to seniority.

A person, to be eligible to be branched or licensed as the next bar pilot, shall meet all of the following criteria at the time of branching or licensing:

- (1) Shall be the senior apprentice, with seniority to be determined by date of satisfactory completion of all requirements to be a pilot except the written examination given by the State Pilotage Commission.
- (2) Must be a citizen of the United States of America or legally present in this state.
- (3) Shall be of good moral character.
- (4) Shall have completed satisfactorily all requirements of the apprenticeship.
- (5) Shall hold and have the following current United States Coast Guard licenses and experience:
 - a. Either (i) an unlimited second mate of oceans license with one year's experience as third mate, or (ii) a master license of freight or motor vessel of 1,600 gross tons with one year's experience as master of vessels of at least 150 gross tons;
 - b. Either (i) three years' experience in a deck department capacity on one or more vessels navigating Mobile ship channel, or (ii) three years' experience at sea in a deck department capacity on oceangoing vessels of 1,600 gross tons or over, or (iii) be a graduate of a nationally recognized maritime academy holding a bachelor of science degree and have two years' experience at sea in a deck department capacity on oceangoing vessels of 1,600 gross tons or over; and
 - c. Shall hold a first class federal pilot license for the Mobile ship channel;
- (6) Shall demonstrate, if required by the commission to do so, sufficient evidence of satisfactory experience in the safe navigation and handling of vessels, and shall pass a practical demonstration to be administered by the active Mobile bar pilots licensed by the State Pilotage Commission showing their ability to safely pilot steam and motor vessels of unlimited tonnage and tugs with tows. The demonstration shall be deemed satisfactorily completed if two-thirds majority of the active Mobile Bay bar pilots licensed by the State of Alabama shall certify such successful completion.
- (7) Shall pass a written test administered by the commission.
- (8) Shall make written application to be branched or licensed, accompanied by his or her affidavit that the applicant meets every statutory requirement to be branched.
- (9) Shall have been employed in a deck department capacity on steam or motor vessels navigating either inland waters or oceans for a majority of the last five years.
- (10) Shall be a graduate of a four-year college or university accredited by a regional accrediting organization recognized by the U.S. Department of Education.

(Acts 1931, No. 81, p. 154, §11; Code 1940, T. 38, §59; Acts 1961, Ex. Sess, No. 104, p. 2024, §4; Acts 1990, No. 90-630, p. 1154, §1; Act 2008-92, p. 120, §3; Act 2009-487, p. 888, §1.)

Section 33-4-35

Examination and certification generally.

Before an applicant is branched or licensed, the commission must prepare in writing suitable questions to test his knowledge and competency to become such pilot, who, without any aid from any other person and without having been informed as to what question would be propounded to him, shall answer such questions. When the applicant has reduced his answers to writing, he shall sign the same and deliver them to one of the commissioners, and the commission must cause such answers to be copied legibly, but without the name of the applicant. The commission shall then appoint three fair, impartial and competent nautical men as a committee to examine the answers of the applicants. The applicant or applicants may name one of these, the existing pilots name another, and the commission, or a majority of them, shall name the third. The committee shall examine the copies of the answers of applicants and shall endorse upon the answer of such of the applicants as they find sufficient the following certificate: "We hereby certify that the foregoing answers are satisfactory, and that, in our opinion, the applicant making the same is well acquainted with the pilot grounds, knows how to handle both steam and sailing vessels and is competent to perform the duties of a bay or bar pilot." When such certificate is duly signed and delivered to the commission, the applicant shall be deemed qualified to receive a license.

(Acts 1931, No. 81, p. 154, §12; Code 1940, T. 38, §60.)

Section 33-4-36

Apprentice pilots not required to take second examination.

No apprentice pilot who has successfully passed an examination for a Mobile Bay or bar pilot shall be required to undergo or pass another examination before being entitled to his license or status as a Mobile Bay and bar pilot, notwithstanding the board or commissioners under which said person was examined, has been abolished.

(Acts 1931, No. 81, p. 154, § 13; Code 1940, T. 38, §61.)

Section 33-4-37

Issuing licenses; possession and exhibition of licenses; oath of pilot.

The State Pilotage Commission shall issue to each pilot licensed and branched by them an original and a duplicate certificate of his appointment, competency and authority to act as such pilot, and as to the extent thereof, and shall reissue duplicate certificates from time to time, as the occasion may require. Such original and duplicate certificates shall be signed by a majority of the commissioners or by their chairman by their direction. Each bay or bar pilot holding a license or branch must keep upon his person, when offering his services to any vessel, his duplicate certificate and must, upon demand of the proper officer of the vessel, exhibit the same and allow such officer to inspect it.

Before issuing an original license or branch, the commissioners delivering the same to the appointee shall require him to take and subscribe in writing an oath as follows, to be administered by such commissioners: "I, A. B., do solemnly swear (or affirm) that I will faithfully and according to the best of my skill and judgment perform the duties of a pilot for the Bay and Harbor of Mobile; that I will at all times, wind and weather and health permitting, use my best exertions to repair on board all vessels which I shall see and conceive to be bound for, coming into or going out of the Harbor or Bay of Mobile, unless I am well assured that some other licensed pilot is then on board the same; that I will at all times make the best dispatch in my power to convey safely every vessel committed to my charge coming into or going out of the Bay or Harbor of Mobile; and will at all times well and truly observe, follow and fulfill, to the best of my skill and judgment, all such directions as I may receive from the commissioners of pilotage relative to things appertaining to the duty of a pilot, and I will not be a member at the same time of more than one combination or partnership of pilots. So help me God."

(Acts 1931, No. 81, p. 154, §14; Code 1940, T. 38, §62.)

Section 33-4-38

Levy, payment, and disposition of pilot's license tax.

There is levied upon each licensed pilot engaged in service as a pilot under this chapter a license or privilege tax in the sum of one hundred dollars (\$100) annually plus any reasonable additional assessment that arises and is necessarily incurred out of the performance by the pilot commission of its duties imposed by law, to be paid to the secretary of the commission and to be used for defraying all expenses and expenditures of the commission accruing under this chapter. The commission, by proper resolutions, may permit the tax to be paid quarterly. The privilege or license taxes paid to the secretary of the commission shall become a part of the funds of the commission and shall be deposited by the secretary and otherwise handled and disbursed, as required by the provisions of this chapter.

(Acts 1931, No. 81, p. 154, §43; Acts 1935, No. 9, p. 11; Code 1940, T. 38, §85; Acts 1991, No. 91-432, p. 769, §1; Act 2009-487, p. 888, §1.)

Section 33-4-39

Bond of pilot - Required; amount; conditions; renewal.

Before receiving his branch, the pilot must make and deliver to the commissioners a bond payable to the chairman of the commission and his successors, in the penal sum of \$2,000.00, with surety to be approved by the commissioners, and with conditions faithfully to perform his duties as pilot; and this bond must be renewed every six years.

(Acts 1931, No. 81, p. 154, §15; Code 1940, T. 38, §63.)

Section 33-4-40

Bond of pilot - Preserving bonds, etc.; new bonds; actions on bonds; liability.

(a) The commissioners must preserve on file all bonds and affidavits taken from pilots, and may, whenever they consider it necessary, require a new bond to be executed. The pilot's bond stands as

security for any injury caused by the negligence or want of skill of the pilot, and action may be brought thereon in the name of any person aggrieved.

(b) A pilot providing pilot services to a vessel is not liable for more than five thousand dollars (\$5,000) for damage or loss to any person or property caused by the pilot's error, omission, fault, or neglect in the performance of the pilot services, unless one of the following applies:

(1) The damage or loss was caused because of the willful, intentional, or reckless misconduct of the pilot.

(2) Liability exists for exemplary or punitive damages for willful, intentional, or reckless misconduct for which no other person is jointly or severally liable.

(c) This section does not exempt a vessel; its crew; or its owner, charterer, or operator from liability for damage or loss caused to any person or property by the vessel on either of the following grounds:

(1) That the vessel was piloted by a pilot.

(2) That the damage or loss was caused by the error, omission, fault, or neglect of a pilot.

(d) In an action brought against a pilot for an act or omission for which liability is limited as provided by this section and in which other claims are made or anticipated with respect to the same act or omission, the court shall dismiss the proceedings as to the pilot to the extent the pleadings allege liability of the pilot that exceeds five thousand dollars (\$5,000).

(e) The provisions of this section apply only provided the bar pilots remain self-employed independent contractors and the number of such self-employed independent contractors does not exceed 20 actively engaged in the piloting of vessels as licensed by the State Pilotage Commission.

(Acts 1931, No. 81, p. 154, §16; Code 1940, T. 38, §64; Act 2012-388, p. 1046, §§1, 2.)

Section 33-4-42

Revocation or suspension of license for cause - Failure of witness to answer subpoena.

On the failure to answer such subpoenas when so served, such witness shall forfeit the sum of \$50.00, for which the said commission may, in its own name, bring a civil action in a court of competent jurisdiction.

(Acts 1931, No. 81, p. 154, §19; Code 1940, T. 38, §67.)

Section 33-4-41

Revocation or suspension of license for cause - Generally.

For any violation by any pilot of any of the provisions of this chapter, or any of the rules and regulations established by the commission under the authority conferred upon the said commission by the provisions of this chapter, or under any authority which may be hereafter conferred upon said commission, the said commission may suspend or revoke the license or branch of such pilot so violating the law or such rules and regulations of said commission. The secretary of said commission shall notify such pilot in writing of the specific charge preferred against him, specifying with reasonable certainty the law or rule or

regulation violated, the manner in which the same was violated, and the time and place of such offense, and shall by direction of the commission fix the time for hearing of said charges not less than five nor more than 30 days from the date of such notice. At the time and place set forth in said notice, such pilot may appear in person or by counsel, thereupon the said commission shall hear and determine the said charges. The commission may subpoena witnesses, such subpoenas to be served under the seal of said commission, and attested by the signature of the secretary, and shall be served by the Sheriff of Mobile County, or the Sheriff of Baldwin County, according to the residence of such witnesses. The fees of the sheriff for serving such subpoenas shall be paid out of the funds of said commission.

(Acts 1931, No. 81, p. 154, § 18; Code 1940, T. 38, §66.)

Section 33-4-43

Revocation or suspension of license for cause - Witnesses' fees and mileage.

Such witnesses shall be paid the sum of \$1.50 a day during their attendance upon such commission at such hearing, and \$.05 a mile for each mile traveled in going from their place of residence to the place of hearing and \$.05 a mile for returning. Such witness fees shall be paid out of the funds of said commission.

(Acts 1931, No. 81, p. 154, §19; Code 1940, T. 38, §68.)

Section 33-4-44

Revocation or suspension of license for cause - Issuance of subpoenas in behalf of pilot.

Such pilot against whom such charges have been filed, upon depositing with the secretary of said commission an amount sufficient to cover the costs and expenses of serving such subpoenas, together with the mileage of such witnesses and an amount sufficient to cover at least three days' attendance of such witnesses, may require the secretary of said commission to issue subpoenas for witnesses in his behalf in the name of said commission, such subpoenas to be issued and served as in the case of subpoenas issued by the direction of the commission, and for failure of witnesses to attend upon being served with such subpoenas, the same penalty shall be imposed and collected as provided in Section 33-4-42.

(Acts 1931, No. 81, p. 154, §21; Code 1940, T. 38, §69.)

Section 33-4-45

Revocation or suspension of license for cause - Hearings; decision of commission.

Such hearing shall be conducted under such rules and regulations as the commission may from time to time establish. The commission shall hear the testimony of the witnesses and may administer oaths to such witnesses, and false swearing, after the administration of such oath by such commission, shall constitute perjury under the laws of this state.

Said pilot may be represented by counsel at such hearing.

Upon completion of the hearing, or as soon thereafter as practicable, the commission shall render its decision, and the decision shall be by a majority of said commission.

The said hearing may be adjourned from time to time as the commission may direct, but no pilot shall be suspended until the final hearing by the commission.

(Acts 1931, No. 81, p. 154, §§ 22-25; Code 1940, T. 38, §70.)

Section 33-4-46

Grounds for depriving pilot of branch.

The commission may deprive any pilot of his branch for a willful violation of his duties, or the orders or regulation of the commissioners, or for negligently losing or injuring any vessel in his charge; or when laboring under mental derangement or when so addicted to habits of intoxication as to be unfit to be intrusted with the charge of a vessel. Any pilot who fails to act as such for three months, or absents himself for 10 days at any one time from the Bay or Harbor of Mobile without leave of the commissioners, may be deprived of his branch. And if, while a vessel in the Bay or Harbor of Mobile is in charge of any civil officer by virtue of process from any court of record in this state, any pilot, with knowledge thereof, conducts or pilots such vessel out of the bay or harbor, he forfeits his branch, and is forever disqualified from acting as a pilot, and forfeits such sum of money as the jury may assess.

(Acts 1931, No. 81, p. 154, §26; Code 1940, T. 38, §71.)

Section 33-4-47

Penalty for acting without license.

Any person who pilots a foreign vessel, or an American vessel under register, or any other vessel subject to the payment of pilotage fees under the provisions of this chapter, entering or leaving the Port of Mobile, in or out of the Bay of Mobile or over the outer bar thereof, without a license from the State Pilotage Commission, is guilty of a misdemeanor and is entitled to no fee or reward for such services and, upon conviction of such misdemeanor, shall be fined not less than \$50.00 and not more than \$500.00 for each offense and shall be sentenced to hard labor for the county for a period of not less than 30 days and not more than 60 days.

(Acts 1935, No. 503, p. 1083, §1; Acts 1936, Ex. Sess., No. 42, p. 25, §1; Code 1940, T. 38, §73.)

Section 33-4-48

Pay of pilots - Generally.

(a) The master, owner, agent, or operator of any ship or vessel shall pay the pilot who conducts a vessel into or out of the Bay or Harbor of Mobile a fee to be fixed by the State Pilotage Commission at the following rate for actual draft of water at the time of pilotage for every vessel crossing the outer bar of Mobile Bay: Effective January 1, 2010, the sum of thirty-one dollars (\$31) per draft foot; effective January 1, 2014, the sum of thirty-three dollars (\$33) per draft foot; effective January 1, 2015, the sum of thirty-five dollars (\$35) per draft foot; and effective January 1, 2016, and thereafter, the sum of thirty-seven dollars (\$37) per draft foot. The minimum pilot fee shall be computed on a minimum of 15 feet regardless of whether or not the vessel has a draft of less than 15 feet at the time of pilotage.

(b) In addition to the pilotage fee based on the draft of the vessel, there shall also be paid to the pilots the following pilotage fees for every vessel crossing the outer bar of Mobile Bay: Effective May 1, 2013, for each of the vessel's maximum registered gross tons, the sum of five cents (\$0.050) per ton; effective January 1, 2014, the sum of five and one-half cents (\$0.055) per ton; effective January 1, 2015, the sum of five and three-quarter cents (\$0.0575) per ton; and effective January 1, 2016, and thereafter, the sum of six cents (\$0.060) per ton. The minimum pilot fee shall be computed on a minimum of 6,500 maximum registered gross tons, regardless of whether or not the vessel has a maximum registered gross tonnage of less than 6,500 maximum registered gross tons.

(c) In addition to the foregoing fees, the State Pilotage Commission shall set fees for special services rendered by the pilots to vessels which are incidental to or connected with vessels being conducted into or out of the Bay or Harbor of Mobile which include, but are not limited to, docking and undocking, going on and off drydock, turning the vessel, shifting, anchorage and stand-by, and delayed sailing.

(d) Vessels trading between any domestic port on the Gulf of Mexico and the Port of Mobile, drawing seven feet or less of water shall not be required to employ a pilot, but if a pilot is employed, the regular pilotage shall be paid. No fishing smack shall be subject to pilotage.

(Acts 1931, No. 81, p. 154, §32; Code 1940, T. 38, §77; Acts 1951, No. 188, p. 449, §1; Acts 1959, No. 333, p. 926, §1; Acts 1967, No. 234, p. 610, §1; Acts 1971, 1st Ex. Sess., No. 56, p. 94, §1; Acts 1975, 2nd Ex. Sess., No. 33, p. 161, §1; Acts 1977, No. 145, p. 208, §1; Acts 1979, No. 79-95, p. 118, §1; Acts 1981, No. 81-179, p. 215, §1; Acts 1983, No. 83-500, p. 703, §1; Acts 1988, No. 88-128, p. 183, §3; Acts 1989, No. 89-518, p. 1064, §1; Acts 1993, No. 93-650, p. 1124, §1; Acts 1997, No. 97-669, p. 1292, §1, Act 98-279, p. 457, §1; Act 99-203, p. 261, §1; Act 2002-342, p. 919, §1; Act 2006-344, p. 915, §1; Act 2013-109, p. 224, §1.)

Section 33-4-49

Pay of pilots - Time of payment.

A pilot who has brought a vessel into port is entitled to his fees before her departure from port, to be paid in advance, or security given for the payment and, on failure thereof, may refuse to carry the vessel out.

(Acts 1931, No. 81, p. 154, §33; Code 1940, T. 38, §78.)

Section 33-4-50

Pay of pilots - Fees of pilots detained on vessels.

If the master of any vessel retains a pilot on board, the wind and weather permitting her going to sea, the pilot is entitled to \$50.00 for every day of such detention. If a master carries off a pilot from the Bay or Harbor of Mobile, he must pay him \$50.00 for every day of such absence and supply him with such provisions as is usual for the maintenance of masters, and first class transportation back to Mobile, Alabama, the master as well as the owner being liable therefor, unless the vessel has laid to for the space of four hours after crossing the bar, and no pilot boat appears to receive the pilot on board.

(Acts 1931, No. 81, p. 154, §39; Code 1940, T. 38, §81; Acts 1959, No. 334, p. 927, §1.)

Section 33-4-51

Pay of pilots - No discrimination or rebating of pilot's fees.

There shall be no discrimination among vessels subject to the payment of pilotage fees, and any person who rebates any pilotage fees or seeks a rebate of pilotage fees or in any manner creates or aids in creating any scheme or plan by which a discrimination is effected in favor of any vessel or the owners, masters or operators thereof shall, on conviction, have his license or branch revoked.

(Acts 1931, No. 81, p. 154, §42; Code 1940, T. 38, §89; Acts 1943, No. 380, p. 357, §1; Acts 1951, No. 188, p. 449, §2.)

Section 33-4-52

Pay of pilots - Exemptions from payment of pilot's fees.

All vessels, whether sail, steam or propelled by any other motive power, including vessels, barges and rafts in tow, engaged in coastwise trade, including those engaged in trade or plying upon the navigable rivers of the State of Alabama, and all vessels exempt under the laws, rules or regulations of the government of the United States shall be exempt from payment of any pilotage fee whatsoever and shall not be required to have the services of a pilot in crossing the outer bar of Mobile Bay or navigating the waters of said bay or other navigable waters of the State of Alabama.

(Acts 1931, No. 81, p. 154, §41; Code 1940, T. 38, §83.)

Section 33-4-53

Compulsory retirement of bar pilots.

Every bar pilot licensed and branched by the State Pilotage Commission upon reaching the age of 68 years shall be required to retire and surrender his license or branch to the State Pilotage Commission.

(Acts 1961, Ex. Sess., No. 103, p. 2023, §1.)

Section 33-4-54

Vessels required to take pilots.

All steam or sail vessels crossing the outer bar of Mobile Bay, except those exempt under this chapter, shall be conducted, controlled or navigated by a pilot licensed by or under authority of the laws of the State of Alabama, if the services of a pilot are seasonably tendered or are seasonably available and shall be required to pay the full amount of pilotage now provided by law.

(Acts 1931, No. 81, p. 154, §40; Code 1940, T. 38, §82.)

Section 33-4-55

Pilot boats must offer services to vessels nearest bar.

Every pilot boat cruising or standing out to sea must offer service of a pilot to the vessel nearest the bar, unless a vessel more distant is in distress, under penalty of \$50.00 for every neglect or refusal to approach such nearest vessel, to aid her if required, or to aid a vessel in sight showing signals of distress, and the commissioners may deprive a pilot so offending of his license.

(Acts 1931, No. 81, p. 154, §34; Code 1940, T. 38, §79.)

Section 33-4-56

Delivery of orders and letters by pilot.

It is the duty of every outer-bar pilot to deliver to the master of any and every vessel approaching the Bay or Harbor of Mobile, as soon as he can board such vessel, all orders and letters which may be sent him for that purpose, on the person who requires the delivery of such letters paying or securing to the pilot \$20.00 for such service, unless the pilot so employed to deliver such orders and letters is engaged as pilot for the vessel, in which event he is entitled to \$5.00 for such service.

(Acts 1931, No. 81, p. 154, §35; Code 1940, T. 38, §80.)

Section 33-4-57

Report of unlawful discharge of ballast, sweepings, rubbish, etc., in bay, etc.

Every pilot, having knowledge of the discharge of ballast, sweepings, screenings, cinders, refuse and rubbish of any kind in the Bay of Mobile or in any river emptying into the same, contrary to the law, must, as soon as practicable, give information thereof to the district attorney of Mobile County.

(Acts 1931, No. 81, p. 154; Code 1940, T. 38, §72.)