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PERMANENT ADMINISTRATIVE ORDER

BMP 12-2024

CHAPTER 856
PUBLIC UTILITY COMMISSION
OREGON BOARD OF MARITIME PILOTS

FILED

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ARCHIVES DIVISION
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AMEND: 856-019-0045

RULE TITLE: Grounds for Pilot and Trainee Discipline

NOTICE FILED DATE: 07/25/2024

RULE SUMMARY: Adding Statute reference for clarification to pilots and trainees regarding the requirement for a surety bond or cash deposit.

RULE TEXT:

This rule describes or references the actions and circumstances that constitute failure to achieve or maintain competency as a pilot or trainee, or that otherwise constitute a danger to public health and safety.

(1) If, after notice and an opportunity for hearing, the Board finds any violation of subsections (2) through (13) of this rule, the Board may impose any of all of the following disciplinary measures for each violation:

- (a) Revocation or suspension of a pilot's or trainee's license;
- (b) Refusal to renew a pilot's or trainee's license;
- (c) Pilot or trainee reprimand;
- (d) Refusal to issue a pilot's license to a trainee; and
- (e) Assess civil penalties of not more than \$250 per violation.

(2) A pilot refuses to provide pilotage services required under ORS 776.405, for a reason other than the safety of:

- (a) The pilot;
- (b) Others;
- (c) The vessel; or
- (d) The environment.

(3) A pilot is convicted of a crime:

- (a) That occurred while the pilot or trainee was piloting a vessel; or
- (b) The facts and circumstances of which demonstrate the pilot's or trainee's lack of fitness to hold a pilot's license or trainee's license.

(4) A pilot violates a provision of OAR 856-025-0015(1) or 2(a) to (c)(D) (requirements for absence from and return to pilotage ground).

- (5) A pilot has failed to timely make any report to the board as required by these rules.
- (6) A pilot or trainee fails to cooperate with the Board in any investigation or request for information. However, the following do not constitute a failure to cooperate: rejecting Board or committee offers of settlement; exercising a legal right; or asserting attorney-client privilege.
- (7) A pilot or trainee engages in conduct:
- (a) Involving dishonesty or misrepresentation in relation to the Board; or
 - (b) Under circumstances that demonstrate the pilot's lack of fitness to hold a pilot's license.
- (8) A pilot demonstrates incompetence in piloting a vessel. Incompetence, for the purpose of this rule, is demonstrate by a lack of basic knowledge or preparation.
- (9) A pilot demonstrates negligence in piloting a vessel. Negligence, for the purpose of this rule, occurs when a pilot fails to exercise the standard of care of a maritime pilot:
- (a) Who is reasonable, prudent, careful and skillful;
 - (b) In the same community or similar community; and
 - (c) Under the same or similar circumstances.
- (10) A pilot or trainee demonstrates gross negligence in piloting a vessel. Gross negligence, for the purpose of this rule, occurs when a pilot:
- (a) Behaves recklessly;
 - (b) Demonstrates a willful disregard for the general standards of the profession; or
 - (c) Demonstrates a willful disregard for the rights of others.
- (11) A pilot or trainee violates any provision of ORS 776.015 to 776.991 or rules adopted thereunder.
- (12) A pilot or trainee has failed to post or maintain the surety bond or cash deposit as required under ORS 776.540.
- (13) The pilot or trainee has failed to comply with a final order of the Board.

STATUTORY/OTHER AUTHORITY: ORS 776

STATUTES/OTHER IMPLEMENTED: ORS 776.116, 776.325