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PERMANENT ADMINISTRATIVE ORDER

BMP 13-2024

CHAPTER 856
PUBLIC UTILITY COMMISSION
OREGON BOARD OF MARITIME PILOTS

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Clarification of requirements after pilot is absent for more than 180 days.

EFFECTIVE DATE: 09/13/2024

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AMEND: 856-025-0015

RULE TITLE: Pilot Medical Oversight

NOTICE FILED DATE: 07/25/2024

RULE SUMMARY: Amended rule to provide clarification regarding a pilot's requirements when returning to the grounds after being absent for more than 180 days.

RULE TEXT:

(1) A licensee may not pilot a vessel if any of the following conditions apply:

- (a) The physical health of a pilot is such that the pilot is not physically capable of competently exercising the license privilege and performing the work involved without creating an unreasonable risk of harm to the pilot or to the person or property of others;
- (b) The mental or emotional health of a pilot is such that the pilot is not competent to exercise the license privilege and is unable to perform the work involved without creating an unreasonable risk of harm to the pilot or to the person or property of others;
- (c) Within 12 hours after the consumption of any alcoholic beverage;
- (d) While under the influence of alcohol;
- (e) While using any drug that affects the pilot's faculties in any way contrary to safety; or
- (f) The pilot has used alcohol, drugs, medications or controlled substances in a manner that, as the Board determines, casts substantial doubt on the ability of the pilot to exercise the level of sound judgment expected of a pilot, or has used prescription drugs in a manner inconsistent with warnings or instructions provided by the manufacturer or prescribing physician.

(2) If any condition causes a pilot to be absent from the pilotage ground for more than 60 days, the pilot must request in writing to the Board on the form provided by the Board permission to be absent from the pilotage ground for a period of more than 60 days.

(a) The pilot must notify the Board in writing, at least 3 days prior to returning to the pilotage ground on the form provided by the Board, of the pilot's intention to return to duty. The form shall contain a pilot's affirmation of their fitness for duty prior to return.

(b) A pilot who has been granted permission to be absent from piloting duties for a period of more than 60 days shall, at the end of 180 days, reapply in writing for an extension or notify of return to duty.

(3) A pilot who has been absent with permission from piloting duties for more than 180 days shall notify the Board in writing on the form provided by the Board of the pilot's intention to return to the pilotage ground. The notice shall include:

(a) Pilot's affirmation of fitness to return to duty; and

(b) A statement of the number of trips under the supervision of an unlimited state-licensed pilot that will be taken to re-familiarize the pilot with the pilotage ground.

(c) The returning pilot shall take no fewer than two trips for every 90 days' absence from the pilotage grounds.

(4) The Board may discipline any pilot who is absent from the pilotage ground for a period of more than 60 days without permission of the Board.

STATUTORY/OTHER AUTHORITY: ORS 776.115

STATUTES/OTHER IMPLEMENTED: ORS 776.115(4)(d)