

1-1 By: Hinojosa of Nueces S.B. No. 1353
 1-2 (In the Senate - Filed February 18, 2025; March 6, 2025,
 1-3 read first time and referred to Committee on Transportation;
 1-4 March 27, 2025, reported favorably by the following vote: Yeas 9,
 1-5 Nays 0; March 27, 2025, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	Nichols	X		
1-9	West	X		
1-10	Bettencourt	X		
1-11	Hagenbuch	X		
1-12	Hinojosa of Hidalgo	X		
1-13	Johnson	X		
1-14	King	X		
1-15	Miles	X		
1-16	Perry	X		

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the licensing and regulation of pilots in the
 1-20 jurisdiction of the pilot board of a navigation district located in
 1-21 Cameron County.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Subchapter A, Chapter 62, Transportation Code,
 1-24 is amended by adding Section 62.002 to read as follows:

1-25 Sec. 62.002. APPLICABILITY OF CHAPTER. This chapter does
 1-26 not apply to a navigation district, pilot board, pilot, or vessel
 1-27 described by Section 71.002.

1-28 SECTION 2. Subtitle B, Title 4, Transportation Code, is
 1-29 amended by adding Chapter 71 to read as follows:

1-30 CHAPTER 71. CAMERON COUNTY PILOTS LICENSING AND REGULATORY ACT

1-31 SUBCHAPTER A. GENERAL PROVISIONS

1-32 Sec. 71.001. DEFINITIONS. In this chapter:

1-33 (1) "Consignee" means a person, including a master,
 1-34 owner, agent, subagent, firm, or corporation or any combination of
 1-35 those persons, who enters or clears a vessel at the office of the
 1-36 collector of customs.

1-37 (2) "Navigation district" means a navigation district
 1-38 included in:

1-39 (A) Subchapters C, D, E, F, G, and H, Chapter 60,
 1-40 Water Code;

1-41 (B) Subchapter E, Chapter 61, Water Code; or

1-42 (C) Sections 62.154 through 62.159, Water Code.

1-43 (3) "Pilot" means a person who is licensed as a branch
 1-44 pilot or certified as a deputy branch pilot under this chapter.

1-45 (4) "Pilot services" means acts of a pilot in piloting
 1-46 through navigable water in this state and ports in which the pilot
 1-47 is licensed or certified as a pilot.

1-48 (5) "Pilotage rate" means the remuneration a pilot may
 1-49 charge a vessel for the pilot's services.

1-50 (6) "Port" means a place in this state into which a
 1-51 vessel enters or from which a vessel departs. If the port connects
 1-52 to the Gulf of Mexico, "port" includes the waterway leading from the
 1-53 port to the Gulf of Mexico.

1-54 (7) "Vessel" means an oceangoing vessel.

1-55 Sec. 71.002. APPLICABILITY OF CHAPTER. This chapter
 1-56 applies only to:

1-57 (1) a navigation district located in Cameron County;

1-58 (2) the pilot board of a navigation district located
 1-59 in Cameron County;

1-60 (3) a pilot serving in the jurisdiction of the pilot
 1-61 board of a navigation district located in Cameron County; and

2-1 (4) a vessel in water under the jurisdiction of the
2-2 pilot board of a navigation district located in Cameron County.

2-3 SUBCHAPTER B. PILOT BOARDS OF NAVIGATION DISTRICTS

2-4 IN CAMERON COUNTY

2-5 Sec. 71.051. PILOT BOARD; COMMISSIONERS OF PILOTS. (a) The
2-6 pilot board of a navigation district in Cameron County is composed
2-7 of that navigation district's navigation and canal commissioners.

2-8 (b) A member of the pilot board is a commissioner of pilots.

2-9 Sec. 71.052. TERM OF OFFICE. The term of office of a
2-10 commissioner of pilots of the pilot board of a navigation district
2-11 in Cameron County coincides with the person's term as a navigation
2-12 and canal commissioner of that navigation district.

2-13 Sec. 71.053. DISQUALIFICATION. A person may not be a
2-14 commissioner of pilots of the pilot board of a navigation district
2-15 in Cameron County if the person is engaged directly or indirectly
2-16 in:

2-17 (1) a towing business;

2-18 (2) a pilot boat business; or

2-19 (3) another business affected by or connected with the
2-20 performance of the duties of a commissioner of pilots.

2-21 Sec. 71.054. JURISDICTION. The pilot board of a navigation
2-22 district in Cameron County has exclusive jurisdiction over the
2-23 pilotage of a vessel between the Gulf of Mexico and a port of that
2-24 navigation district, including an intermediate stop or landing
2-25 place on a navigable stream in that navigation district.

2-26 Sec. 71.055. POWERS OF PILOT BOARDS. The pilot board of a
2-27 navigation district in Cameron County may:

2-28 (1) appoint, suspend, or dismiss a branch pilot or
2-29 deputy branch pilot of a port in that navigation district;

2-30 (2) establish pilotage rates for service in that
2-31 board's jurisdiction; and

2-32 (3) adopt and enforce rules consistent with this
2-33 chapter regarding the appointment, qualification, or regulation of
2-34 branch pilots or deputy branch pilots in that board's jurisdiction
2-35 as necessary to govern those pilots and properly operate that
2-36 district's ports.

2-37 SUBCHAPTER C. REGULATION OF BRANCH PILOTS
2-38 AND DEPUTY BRANCH PILOTS

2-39 Sec. 71.101. PILOT QUALIFICATIONS. The pilot board of a
2-40 navigation district in Cameron County shall examine and determine
2-41 the qualifications of each applicant for the position of branch
2-42 pilot or deputy branch pilot in that navigation district before
2-43 licensing the branch pilot or certifying the deputy branch pilot,
2-44 as applicable.

2-45 Sec. 71.102. QUALIFICATIONS FOR LICENSE AS BRANCH PILOT.
2-46 To be eligible for a license as a branch pilot in the jurisdiction
2-47 of the pilot board of a navigation district in Cameron County, a
2-48 person must:

2-49 (1) be at least 25 years of age;

2-50 (2) be a United States citizen;

2-51 (3) as of the date the license is issued, have resided
2-52 continuously in this state for at least one year;

2-53 (4) be licensed under federal law to act as a pilot on
2-54 vessels that navigate water on which the applicant will furnish
2-55 pilot services;

2-56 (5) have at least 30 months' service as a deputy branch
2-57 pilot or equivalent service piloting vessels on water in that
2-58 board's jurisdiction;

2-59 (6) have commanded or controlled the navigation of
2-60 vessels such as the person would pilot under the license;

2-61 (7) have extensive experience in the docking and
2-62 undocking of vessels;

2-63 (8) be in good mental and physical health;

2-64 (9) have good moral character;

2-65 (10) possess the requisite skill as a navigator and
2-66 pilot to perform competently and safely the duties of a branch
2-67 pilot;

2-68 (11) be selected for appointment by a branch pilot
2-69 licensed for water in that board's jurisdiction; and

3-1 (12) submit to the board written documentation from a
 3-2 branch pilot licensed for water in that board's jurisdiction that
 3-3 the person:

3-4 (A) has successfully completed a deputy branch
 3-5 pilot training program approved by that board; and

3-6 (B) is recommended for licensing as a branch
 3-7 pilot.

3-8 Sec. 71.103. QUALIFICATIONS FOR CERTIFICATE AS DEPUTY
 3-9 BRANCH PILOT. To be eligible for a certificate as a deputy branch
 3-10 pilot in the jurisdiction of the pilot board of a navigation
 3-11 district in Cameron County, a person must:

3-12 (1) be at least 25 years of age;

3-13 (2) be a United States citizen;

3-14 (3) hold a license under federal law to act as a pilot
 3-15 on vessels that navigate water on which the applicant will furnish
 3-16 pilot services;

3-17 (4) be in good mental and physical health;

3-18 (5) have good moral character;

3-19 (6) possess the requisite skill to perform competently
 3-20 and safely the duties of a deputy branch pilot; and

3-21 (7) be selected for appointment by a branch pilot
 3-22 licensed for water in that board's jurisdiction.

3-23 Sec. 71.104. OATH; BOND. (a) A person appointed as a pilot
 3-24 in the jurisdiction of the pilot board of a navigation district in
 3-25 Cameron County must take the official oath before entering service
 3-26 as a pilot under that board's jurisdiction. The oath shall be
 3-27 endorsed on the bond required by Subsection (b).

3-28 (b) Each pilot in the jurisdiction of the pilot board of a
 3-29 navigation district in Cameron County must execute a \$5,000 bond
 3-30 payable to the governor and conditioned on compliance with the
 3-31 laws, rules, and orders relating to pilots and on the faithful
 3-32 performance of the pilot's duties.

3-33 (c) Each bond must be approved by the applicable pilot board
 3-34 and deposited in the office of the secretary of state.

3-35 Sec. 71.105. ISSUANCE OF BRANCH PILOT LICENSE. (a) On the
 3-36 filing of the bond and the taking of the oath required by Section
 3-37 71.104, a commissioner of pilots of the applicable pilot board
 3-38 shall certify to the governor that the branch pilot has qualified.

3-39 (b) On receiving the certificate, the governor shall issue
 3-40 to the branch pilot, in the name of the state and under the state
 3-41 seal, a commission to serve as a branch pilot in the jurisdiction of
 3-42 the applicable pilot board.

3-43 Sec. 71.106. TERM OF BRANCH PILOT'S COMMISSION. (a) The
 3-44 term of a branch pilot commission is four years.

3-45 (b) If the pilot board of a navigation district dismisses a
 3-46 branch pilot from service in that board's jurisdiction, the branch
 3-47 pilot's commission expires.

3-48 Sec. 71.107. APPOINTMENT OF DEPUTY BRANCH PILOT. (a) Only
 3-49 a branch pilot licensed for water in the jurisdiction of the pilot
 3-50 board of a navigation district in Cameron County may appoint a
 3-51 deputy branch pilot to serve in that board's jurisdiction.

3-52 (b) A branch pilot serving in the jurisdiction of the pilot
 3-53 board of a navigation district in Cameron County may appoint two
 3-54 deputy branch pilots, subject to that board's examination and
 3-55 approval.

3-56 (c) A branch pilot may appoint an additional deputy branch
 3-57 pilot under this section if the applicable pilot board considers
 3-58 the appointment advisable.

3-59 (d) A branch pilot who appoints a deputy branch pilot under
 3-60 this section is responsible for the acts of the deputy branch pilot.

3-61 (e) A branch pilot who appoints a deputy branch pilot under
 3-62 this section without the approval of the applicable pilot board
 3-63 forfeits the pilot's appointment as a branch pilot.

3-64 Sec. 71.108. SUSPENSION OR DISMISSAL OF PILOT. The pilot
 3-65 board of a navigation district in Cameron County may suspend or
 3-66 dismiss a pilot only:

3-67 (1) for misconduct, inefficiency, or intoxication on
 3-68 duty; and

3-69 (2) after a hearing on the accusation is held before

4-1 the pilot board at which there is opportunity for testimony and
 4-2 defense.

4-3 SUBCHAPTER D. PILOTAGE CHARGES AND PILOTAGE RATE LIABILITY

4-4 Sec. 71.151. APPLICABILITY OF PILOTAGE CHARGES TO CERTAIN
 4-5 VESSELS. (a) Pilotage charges under this chapter do not apply to:

4-6 (1) a vessel of 20 tons or less; or

4-7 (2) a vessel that is excepted by a federal statute or
 4-8 regulation.

4-9 (b) Notwithstanding Subsection (a), pilotage charges under
 4-10 this chapter apply to an autonomous vessel of any gross tonnage.

4-11 Sec. 71.152. PILOTAGE CHARGES. (a) A pilotage rate charged
 4-12 by a pilot under this chapter must be fair and just.

4-13 (b) A pilot shall furnish a schedule of pilotage rates under
 4-14 this chapter that must be on file at all times in the office of the
 4-15 navigation district's commissioners.

4-16 (c) Each time a change in the pilotage rates charged by a
 4-17 pilot under this chapter occurs, the pilot must file a revised
 4-18 schedule.

4-19 (d) A pilot shall strictly follow the schedule of rates on
 4-20 file in the office of the navigation district's commissioners.

4-21 Sec. 71.153. CONSIGNEE LIABILITY FOR PILOT SERVICES. The
 4-22 consignee of a vessel is liable to a pilot for the pilotage of the
 4-23 vessel under this chapter.

4-24 Sec. 71.154. LIABILITY OF CERTAIN VESSELS DECLINING PILOT
 4-25 SERVICES. (a) A vessel that, without the aid of a pilot serving in
 4-26 the jurisdiction of the pilot board of a navigation district in
 4-27 Cameron County, moves or is otherwise under way on any channel or
 4-28 waterway in that board's jurisdiction and that fails to use pilot
 4-29 services available from pilots serving in that jurisdiction, is
 4-30 liable for the payment of twice the applicable pilotage rate to the
 4-31 first pilot serving in that jurisdiction who requests payment.

4-32 (b) The consignee of a vessel is responsible for the payment
 4-33 for pilot services available but not used under Subsection (a).

4-34 Sec. 71.155. UNAUTHORIZED PILOT LIABILITY. A person, other
 4-35 than a pilot, who provides pilot services to a vessel under way or
 4-36 otherwise moving for which a pilot is required out of or into a
 4-37 port, channel, or waterway under the exclusive jurisdiction of the
 4-38 pilot board of a navigation district in Cameron County is liable to
 4-39 any pilot authorized to provide pilot services in the port,
 4-40 channel, or waterway for a payment of twice the current rate that
 4-41 would be charged under the pilot's schedule of pilotage rates for
 4-42 the pilot services.

4-43 Sec. 71.156. RECOVERY OF PILOTAGE CHARGES. (a) A pilot may
 4-44 bring an action to recover compensation for pilotage or services
 4-45 offered, including:

4-46 (1) pilot services rendered in accordance with Section
 4-47 71.152 to a vessel in the jurisdiction of the pilot board of a
 4-48 navigation district in Cameron County;

4-49 (2) payment under Section 71.154 for pilot services
 4-50 available but not used; and

4-51 (3) payment under Section 71.155 for unauthorized
 4-52 pilot services.

4-53 (b) A pilot prevailing in an action brought under this
 4-54 section to recover payment under Section 71.155 is entitled to
 4-55 recover the pilot's court costs and reasonable attorney's fees.

4-56 SUBCHAPTER E. PILOT LIABILITY

4-57 Sec. 71.201. PURPOSE. The purpose of this subchapter is to:

4-58 (1) in the public interest, stimulate and preserve
 4-59 maritime commerce on the pilotage grounds of this state by limiting
 4-60 and regulating the liability of pilots; and

4-61 (2) maintain pilotage fees at reasonable amounts.

4-62 Sec. 71.202. PILOT LIABILITY. A pilot serving in the
 4-63 jurisdiction of the pilot board of a navigation district in Cameron
 4-64 County is not liable directly or as a member of an organization of
 4-65 pilots for any claim that:

4-66 (1) arises from an act or omission of another pilot or
 4-67 organization of pilots; and

4-68 (2) relates directly or indirectly to pilot services.

4-69 Sec. 71.203. PILOT LIABILITY LIMITED. (a) A pilot

5-1 providing pilot services in the jurisdiction of the pilot board of a
5-2 navigation district in Cameron County is not liable for more than
5-3 \$1,000 for damage or loss caused by the pilot's error, omission,
5-4 fault, or neglect in the performance of the pilot services, except
5-5 as provided by Subsection (b).

5-6 (b) Subsection (a) does not apply to:

5-7 (1) damage or loss that arises because of the wilful
5-8 misconduct or gross negligence of the pilot and for which no other
5-9 person or vessel in rem is jointly or severally liable;

5-10 (2) liability for exemplary damages for gross
5-11 negligence of the pilot and for which no other person or vessel in
5-12 rem is jointly or severally liable; or

5-13 (3) an act or omission relating to the ownership and
5-14 operation of a pilot boat unless the pilot boat is directly involved
5-15 in pilot services other than the transportation of pilots.

5-16 (c) This section does not exempt a vessel or its owner or
5-17 operator from liability for damage or loss caused by the vessel to a
5-18 person or property on the grounds that:

5-19 (1) the vessel was piloted by a pilot; or

5-20 (2) the damage or loss was caused by the error,
5-21 omission, fault, or neglect of a pilot.

5-22 (d) In an action brought against a pilot for an act or
5-23 omission for which liability is limited as provided by this section
5-24 and in which other claims are made or anticipated with respect to
5-25 the same act or omission, the court shall dismiss the proceedings as
5-26 to the pilot to the extent the pleadings allege pilot liability that
5-27 exceeds \$1,000.

5-28 SECTION 3. (a) Section 71.202, Transportation Code, as
5-29 added by this Act, applies only to an act or omission that occurs on
5-30 or after the effective date of this Act. An act or omission that
5-31 occurs before the effective date of this Act is governed by the law
5-32 in effect on the date the act or omission occurred, and the former
5-33 law is continued in effect for that purpose.

5-34 (b) Section 71.203, Transportation Code, as added by this
5-35 Act, applies only to an action commenced on or after the effective
5-36 date of this Act. An action commenced before the effective date of
5-37 this Act is governed by the law applicable to the action immediately
5-38 before the effective date of this Act, and that law is continued in
5-39 effect for that purpose.

5-40 SECTION 4. This Act takes effect September 1, 2025.

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