

## Senate Bill No. 1217

### CHAPTER 568

An act to add Section 1157.5 to, and to repeal and add Section 1176 of, the Harbors and Navigation Code, relating to vessels, and making an appropriation therefor.

[Approved by Governor September 29, 2008. Filed with  
Secretary of State September 29, 2008.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1217, Yee. Vessels: Board of Pilot Commissioners: pilots: fitness for duty.

Existing law establishes in state government the Board of Pilot Commissioners, with jurisdiction over Monterey Bay and the Bays of San Francisco, San Pablo, and Suisun. Existing law authorizes the board to appoint an executive director to perform various duties.

This bill would require the board, on or before April 15, 2010, and annually thereafter, to submit to the Secretary of the Senate and the Chief Clerk of the Assembly a report containing specified information describing its activities for the preceding calendar year.

Existing law continuously appropriates the funds in the Board of Pilot Commissioners' Special Fund for the payment of the compensation and expenses of the board, its officers and employees, and training programs.

By imposing the duty to submit an annual report of the board's activities, the bill would make an appropriation.

Existing law requires pilots and inland pilots to undergo physical examinations in accordance with standards prescribed by the board in conjunction with the renewal of their licenses. Existing law requires that the examination designate that each pilot or inland pilot is fit to perform his or her duties as a pilot.

This bill would, instead, require the board to appoint a physician or physicians who are qualified to determine the suitability of a person to perform his or her duties as a pilot, an inland pilot, or a pilot trainee in accordance with specified requirements, that include, among other things, an evaluation of the effects of the prescription medications that the pilot, inland pilot, or pilot trainee is taking, and would require the appointed physician to designate to the board whether the pilot, inland pilot, or pilot trainee is fit to perform his or her duties as a pilot, inland pilot, or pilot trainee.

The bill would require the board to terminate a pilot trainee or suspend or revoke the license of a pilot or an inland pilot who fails to submit the prescribed medication information required by these provisions.

This bill would also provide that certain provisions would be operative only if SB 1627 and this bill are both enacted and become effective on or before January 1, 2009, and other provisions would be operative only if this bill is enacted and becomes effective on or before January 1, 2009, and SB 1627 is not enacted.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 1157.5 is added to the Harbors and Navigation Code, to read:

1157.5. On or before April 15, 2010, and annually thereafter, the board shall submit to the Secretary of the Senate and the Chief Clerk of the Assembly a report describing the board's activities for the preceding calendar year. The report shall include, but not be limited to, all of the following:

(a) The number of vessel movements across the bar, on the bays, and on the rivers within the board's jurisdiction.

(b) The name of each licensed pilot, inland pilot, and pilot trainee, and the status of each person. If a person has had more than one status during the reporting year, each status and the length of time in that status shall be indicated. For the purposes of this section, "status" includes all of the following designations:

- (1) Licensed and fit for duty.
- (2) Licensed and not fit for duty.
- (3) Licensed and on authorized training.
- (4) Licensed and on active military duty.
- (5) Licensed and on leave of absence.
- (6) Licensed but license suspended.

(c) A summary of each report of misconduct or a navigational incident involving a pilot, inland pilot, or pilot trainee, or other matters for which a license issued by the board may be revoked or suspended. For those cases that have been closed, the summary shall include a description of findings made by the incident review committee and of the resulting action taken by the board. For those cases that are still under investigation, the summary shall include a description of the reported incident and an estimated completion date for the investigation. For those closed cases involving a pilot who has been involved in a prior incident where a finding of pilot error had been made, the report shall also include a summary of that incident.

SEC. 2. Section 1157.5 is added to the Harbors and Navigation Code, to read:

1157.5. On or before April 15, 2010, and annually thereafter, the board shall submit to the Secretary of the Senate, the Chief Clerk of the Assembly, and the Secretary of Business, Transportation and Housing a report describing the board's activities for the preceding calendar year. The report shall include, but not be limited to, all of the following:

(a) The number of vessel movements across the bar, on the bays, and on the rivers within the board's jurisdiction.

(b) The name of each licensed pilot, inland pilot, and pilot trainee, and the status of each person. If a person has had more than one status during the reporting year, each status and the length of time in that status shall be indicated. For the purposes of this section, "status" includes all of the following designations:

- (1) Licensed and fit for duty.
- (2) Licensed and not fit for duty.
- (3) Licensed and on authorized training.
- (4) Licensed and on active military duty.
- (5) Licensed and on leave of absence.
- (6) Licensed but license suspended.

(c) A summary of each report of misconduct or a navigational incident involving a pilot, inland pilot, or pilot trainee, or other matters for which a license issued by the board may be revoked or suspended. For those cases that have been closed, the summary shall include a description of findings made by the incident review committee and of the resulting action taken by the board. For those cases that are still under investigation, the summary shall include a description of the reported incident and an estimated completion date for the investigation. For those closed cases involving a pilot who has been involved in a prior incident where a finding of pilot error had been made, the report shall also include a summary of that incident.

SEC. 3. Section 1176 of the Harbors and Navigation Code is repealed.

SEC. 4. Section 1176 is added to the Harbors and Navigation Code, to read:

1176. (a) The board shall appoint a physician or physicians who are qualified to determine the suitability of a person to perform his or her duties as a pilot, an inland pilot, or a pilot trainee in accordance with subdivision (c).

(b) An applicant for a pilot trainee position or for a pilot or inland pilot license as well as a pilot or inland pilot seeking renewal of his or her license shall undergo a physical examination by a board appointed physician in accordance with standards prescribed by the board. Within 30 days prior to the examination, the applicant or licensee shall submit to the physician conducting the physical examination a complete list of all prescribed medications being taken by or administered to the applicant or licensee.

(c) On the basis of both the examination and an evaluation of the effects of the prescription medications named on the submitted list, the physician shall designate to the board whether or not the pilot, inland pilot, or pilot trainee is fit to perform his or her duties as a pilot, inland pilot, or pilot trainee.

(d) The license of a pilot or inland pilot shall not be renewed unless he or she is found fit for duty pursuant to subdivision (c).

(e) Whenever a pilot, inland pilot, or pilot trainee is prescribed either a new dosage of a medication or a new medication, or suspends the use of a prescribed medication, he or she shall, within 10 days, submit that

information to the board appointed physician having possession of the prescribed medication list submitted pursuant to subdivision (b). Whenever the physician receives the updated information, the physician shall determine whether or not the medication change affects the licensee's or trainee's fitness for duty. If the physician determines that the medication change results in the pilot, inland pilot, or pilot trainee being unfit for duty, the physician shall inform the board.

(f) The board may terminate a pilot trainee or suspend or revoke the license of a pilot or an inland pilot who fails to submit the prescribed medication information required by this section.

SEC. 5. (a) Section 1 of this bill shall only become operative if this bill is enacted and becomes effective on or before January 1, 2009, and Senate Bill 1627 is not enacted, in which case Section 2 of this bill shall not become operative.

(b) Section 2 of this bill shall only become operative if both this bill and Senate Bill 1627 are enacted and become effective on or before January 1, 2009, in which case Section 1 of this bill shall not become operative.