

1 HB183
2 156081-1
3 By Representative Buskey
4 RFD: Agriculture and Forestry
5 First Read: 14-JAN-14

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8 SYNOPSIS: This bill would require an annual
9 cost-of-living adjustment for bar pilot fees in
10 Mobile Bay or Harbor beginning January 2017, and
11 each year thereafter, and would authorize the
12 Pilotage Commission to make other adjustments to
13 the fees.

14
15 A BILL
16 TO BE ENTITLED
17 AN ACT

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19 To amend Section 33-4-48, Code of Alabama 1975,
20 relating to the fees of bar pilots in Mobile Bay or Harbor; to
21 provide for cost-of-living adjustments and other adjustments
22 to bar pilot fees under certain conditions.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 33-4-48, Code of Alabama 1975, is
25 amended to read as follows:

26 "§33-4-48.

1 "(a) The master, owner, agent, or operator of any
2 ship or vessel shall pay the pilot who conducts a vessel into
3 or out of the Bay or Harbor of Mobile a fee to be fixed by the
4 State Pilotage Commission at the following rate for actual
5 draft of water at the time of pilotage for every vessel
6 crossing the outer bar of Mobile Bay: Effective January 1,
7 2010, the sum of thirty-one dollars (\$31) per draft foot;
8 effective January 1, 2014, the sum of thirty-three dollars
9 (\$33) per draft foot; effective January 1, 2015, the sum of
10 thirty-five dollars (\$35) per draft foot; and effective
11 January 1, 2016, and thereafter, the sum of thirty-seven
12 dollars (\$37) per draft foot. The minimum pilot fee shall be
13 computed on a minimum of 15 feet regardless of whether or not
14 the vessel has a draft of less than 15 feet at the time of
15 pilotage.

16 "(b) In addition to the pilotage fee based on the
17 draft of the vessel, there shall also be paid to the pilots
18 the following pilotage fees for every vessel crossing the
19 outer bar of Mobile Bay: Effective May 1, 2013, for each of
20 the vessel's maximum registered gross tons, the sum of five
21 cents (\$0.050) per ton; effective January 1, 2014, the sum of
22 five and one-half cents (\$0.055) per ton; effective January 1,
23 2015, the sum of five and three-quarter cents (\$0.0575) per
24 ton; and effective January 1, 2016, and thereafter, the sum of
25 six cents (\$0.060) per ton. The minimum pilot fee shall be
26 computed on a minimum of 6,500 maximum registered gross tons,
27 regardless of whether or not the vessel has a maximum

1 registered gross tonnage of less than 6,500 maximum registered
2 gross tons.

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

10 "(d) Effective January 1, 2017, the State Pilotage
11 Commission, annually at the first convened quarterly meeting
12 after the release of official annual changes to the Consumer
13 Price Index, shall adjust the tariff rates to provide a
14 cost-of-living adjustment to the applicable tariff rates. For
15 purposes of this act, tariff rates are fees based on draft and
16 tonnage and other fees referenced in subsections (a) through
17 (c). The State Pilotage Commission shall use increases in the
18 Consumer Price Index published by the U.S. Department of
19 Commerce, Bureau of Labor Statistics, for the previous
20 calendar year as a basis to make the necessary upward
21 adjustments. Notwithstanding the foregoing, the State Pilotage
22 Commission upon request from pilots or otherwise may adjust
23 tariff rates to an amount greater than increases based on
24 changes in the Consumer Price Index for any given year.

25 "~~(d)~~ (e) Vessels trading between any domestic port on
26 the Gulf of Mexico and the Port of Mobile, drawing seven feet
27 or less of water shall not be required to employ a pilot, but

1 if a pilot is employed, the regular pilotage shall be paid. No
2 fishing smack shall be subject to pilotage."

3 Section 2. This act shall become effective
4 immediately following its passage and approval by the
5 Governor, or its otherwise becoming law.