

1 HB369  
2 198340-2  
3 By Representative Pringle (N & P)  
4 RFD: Mobile County Legislation  
5 First Read: 09-APR-19

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8 SYNOPSIS: This bill would relate to Class 2  
9 municipalities and would establish a State Pilotage  
10 Commission in the municipality to license and  
11 regulate bar pilots whose principal place of  
12 business is in the Class 2 municipality. The bill  
13 would also repeal and replace the law establishing  
14 the existing State Pilotage Commission.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to Class 2 municipalities; to repeal  
21 Chapter 4, commencing with Section 33-4-1 of Title 33 of the  
22 Code of Alabama 1975; to establish a State Pilotage Commission  
23 in a Class 2 municipality; to provide for licensing and  
24 regulations of bar pilots whose principal place of business is  
25 within a Class 2 municipality.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. This act shall only apply to Class 2  
2 municipalities.

3           Section 2. Section 42. Chapter 4, commencing with  
4 Section 33-4-18 of Title 33 of the Code of Alabama 1975, is  
5 repealed.

6           Section 3. (a) There shall be a board of pilotage  
7 commissioners in each Class 2 municipality, to be known as the  
8 State Pilotage Commission. The commission shall consist of  
9 three voting members. One voting member shall be engaged in a  
10 local maritime business, one voting member shall be an active  
11 bar pilot, licensed and branched by the State Pilotage  
12 Commission, and one voting member shall be a member of the  
13 local business or professional community.

14           (b) The State Pilotage Commission shall have the  
15 powers and duties as are prescribed in this act and as may  
16 hereafter be prescribed by law.

17           (c) A quorum for the transaction of commission  
18 business shall be two voting members of the commission.

19           Section 4. All of the members of the commission, at  
20 the time of their appointment and during their respective  
21 terms of office, shall be citizens of the United States and  
22 qualified electors of the State of Alabama.

23           Section 5. The initial appointees to the commission  
24 shall be the members of the State Pilotage Commission  
25 appointed by the Governor pursuant to the Code of Alabama  
26 1975, as it existed to the enactment of this act and holding  
27 office at the time of the enactment of this act. Thereafter,

1 at the expiration of the respective terms, the Governor shall  
2 appoint the commissioners to hold office for six years from  
3 the dates of the expiration of their respective commissions.  
4 Commission members shall serve until their successors are  
5 appointed. The commissioners shall serve without compensation,  
6 but all traveling expenses incurred by the commissioners in  
7 the performance of their duties shall be paid out of funds in  
8 the treasury of the commission.

9 Section 6. Before entering upon the duties of their  
10 office, the commissioners shall execute a bond in the amount  
11 of one thousand dollars (\$1,000), for the faithful performance  
12 of the duties of the office.

13 Section 7. The commissioners shall elect a chair to  
14 preside at its meetings who shall not be the bar pilot  
15 commission member. It shall be the duty of the chair to  
16 supervise the official conduct of all the officers and  
17 employees of the commission. The chair may administer official  
18 oaths to the officers and employees of the commission, except  
19 the other commissioners, and to all other persons in relation  
20 to the business of the commission. In the absence of the  
21 chair, the remaining commissioners shall select from their  
22 number an acting chair to hold office during the absence of  
23 the chair. The acting chair shall have all the power and  
24 authority possessed by the chair.

25 Section 8. The commission may employ a secretary who  
26 shall not be a member of the commission and who shall be paid  
27 an annual salary set by the commission. Before entering upon

1 the duties of office, the secretary shall execute a bond in  
2 the amount of three thousand dollars (\$3,000), for the  
3 faithful performance of the duties of the office. The  
4 secretary shall safely keep and be responsible for all moneys  
5 paid into the office of the commission and for all books and  
6 papers of the commission and attend the meetings and keep a  
7 record of their proceedings and of the names of the  
8 commissioners present at the meetings. The secretary shall  
9 keep an account of all moneys received and paid, and once  
10 every three months prepare a statement showing all moneys  
11 received and paid for during the preceding three months and  
12 the source from which the moneys were received and the purpose  
13 for which they were paid. A copy of the statement shall be  
14 given to each of the commissioners. All moneys collected shall  
15 be deposited in a bank or banks designated by the commission  
16 and drawn out by check signed by the chair and secretary of  
17 the commission.

18 Section 9. (a) The commission shall have a  
19 financial and compliance audit performed each year and supply  
20 a copy of the audit to the Alabama State Port Authority and  
21 the Alabama Department of Commerce. In addition, an audit may  
22 be requested at any time by the Alabama State Port Authority  
23 or the Alabama Department of Commerce.

24 (b) The commission created in this act shall be  
25 specifically excluded from Chapter 20 of Title 41, Code of  
26 Alabama 1975, the Alabama Sunset Law.

1           Section 10. The commissioners shall meet at least  
2 once every three months at the time and place selected by the  
3 commission.

4           Section 11. If a vacancy occurs from any cause in  
5 the office of a commissioner before the expiration of his or  
6 her current term, a successor must be appointed by the  
7 Governor and hold office only for the unexpired portion of the  
8 term.

9           Section 12. The jurisdiction of the commission under  
10 this act shall extend over all vessels and pilots using the  
11 waterways of Mobile Bay and its rivers intending to enter or  
12 exit the Port of Mobile, its facilities, and affiliated  
13 regulated entities of the port.

14           Section 13. The commission shall not have  
15 jurisdiction over harbor masters or deputy masters in any  
16 harbor or seaport in the Port of Mobile.

17           Section 14. The commission shall have the power and  
18 authority to make all necessary rules and regulations  
19 regulating the piloting of ships and all watercrafts into and  
20 out of any harbor or seaport in the Port of Mobile. The  
21 commission shall also have the power and authority to require  
22 evidence of the physical and mental fitness of any active bar  
23 pilot at any time and to make rules and regulations regarding  
24 the physical and mental capacity and fitness of the active bar  
25 pilots.

26           Section 15. The commissioners, in their own names as  
27 commissioners or in that of their chair, may bring a civil

1 action for and recover any forfeiture accruing under this act  
2 not otherwise specifically appropriated.

3 Section 16. The commissioners shall preserve a  
4 record of their acts and of the rules and regulations adopted  
5 by them for the direction and government of pilots. They shall  
6 also preserve upon record a list of all persons appointed  
7 pilots by them, and of those whom they may declare to have  
8 forfeited their licenses. The records of the commission are  
9 public records and subject to inspection.

10 Section 17. (a) At no time shall there exist more  
11 apprentices or pilots than are reasonably necessary to meet  
12 the requirements of commerce. The number of apprentices and  
13 pilots shall be determined by the commission.

14 (b) The commission shall be the sole judge of the  
15 seniority and statutory qualifications of applicants to be  
16 apprenticed and branched.

17 Section 18. (a) In order to prevent delays in the  
18 apprenticeship and branching of bar pilots, the commission,  
19 when necessary, shall maintain a register of applicants  
20 containing no more than nine applicants for apprenticeship who  
21 must be not less than 21 years of age.

22 (b) All pending and future applicants for  
23 apprenticeship from the register of applicants shall be  
24 considered by the commission for apprenticeship in order of  
25 their seniority as determined by the commission from time to  
26 time at its sole discretion, which shall be based upon each  
27 applicant's professionalism, maturity and readiness, the date

1 of completion of all requirements to be a bar pilot except  
2 apprenticeship, application to be a pilot, passage of the  
3 commission's written examination and branch, and the  
4 compliance with subsections (c) and (d).

5 (c) No person may commence an apprenticeship unless  
6 the commission finds that the applicant meets all statutory  
7 requirements for apprenticeship required by subsection (b) and  
8 there is a need for an apprentice.

9 (d) In order to complete the apprenticeship, an  
10 apprentice shall make, to the satisfaction of the commission,  
11 at least 100 round trips with a branched pilot on vessels in  
12 Mobile Bay which are subject to the statutory requirement of  
13 compulsory pilotage.

14 Section 19. All apprentices, before becoming  
15 eligible for service as apprentices, shall be selected and  
16 approved by the commission.

17 Section 20. A Mobile Bay or bar pilot apprentice may  
18 not be discharged except for cause, and any apprentice or  
19 boatkeeper so discharged may appeal the discharge to the  
20 commission, and if the commission, upon an investigation,  
21 finds that the discharge was without sufficient cause, the  
22 commission may annul the discharge and reinstate the  
23 apprentice.

24 Section 21. To be eligible to be branched or  
25 licensed as the next bar pilot, a person shall meet all of the  
26 following criteria at the time of branching or licensing:



1           (1) The person shall be the senior apprentice, with  
2 seniority to be determined by date of satisfactory completion  
3 of all of the following requirements to be a bar pilot except  
4 the written examination given by the commission.

5           (2) The person shall be a citizen of the United  
6 States of America or legally present in this state.

7           (3) The person shall be of good moral character.

8           (4) The person shall have completed satisfactorily  
9 all requirements of the apprenticeship.

10          (5) The person shall be a graduate of a four-year  
11 college or university accredited by a regional accrediting  
12 organization recognized by the U.S. Department of Education,  
13 or have a bachelor of science degree from a nationally  
14 recognized maritime academy.

15          (6) The person shall hold and have the following  
16 current United States Coast Guard licenses and experience:

17           a. Either of the following:

18           1. An unlimited second mate of oceans license with  
19 at least one year's experience as second mate.

20           2. A master license of freight or motor vessel of  
21 1,600 gross tons with one year's experience as master of  
22 vessels of at least 150 gross tons.

23           b. Either of the following:

24           1. Three years' experience in a deck department  
25 capacity on one or more vessels navigating Mobile ship  
26 channel.

1                   2. Three years' experience at sea in a deck  
2 department capacity on oceangoing vessels of 1,600 gross tons  
3 or over.

4                   c. A first class federal pilot license for the  
5 Mobile and Theodore ship channels.

6                   (7) The person shall have been employed in a deck  
7 department capacity on steam or motor vessels navigating  
8 either inland waters or oceans for a majority of the last five  
9 years.

10                  (8) The person shall demonstrate, if required by the  
11 commission to do so, sufficient evidence of satisfactory  
12 experience in the safe navigation and handling of vessels,  
13 successful completion of a training program officially  
14 recognized by the Pilotage Commission and bar pilots.

15                  (9) The person shall pass a written test  
16 administered by the commission.

17                  Section 22. Before an applicant is branched or  
18 licensed, the commission shall prepare in writing suitable  
19 questions to test his or her knowledge and competency to  
20 become a bar pilot. The applicant, without any aid from any  
21 other person and without having been informed as to what  
22 question would be propounded, shall answer the questions. When  
23 the applicant has reduced his or her answers to writing, the  
24 applicant shall sign the same and deliver them to one of the  
25 commissioners, and the commission shall cause the answers to  
26 be copied legibly, but without the name of the applicant. The  
27 commission shall then appoint three fair, impartial, and

1 competent nautical persons as a committee to examine the  
2 answers of the applicant. The applicant or applicants may name  
3 one of these, the existing pilots name another, and the  
4 commission, or a majority of them, shall name the third. The  
5 committee shall examine the copies of the answers of  
6 applicants and shall endorse upon the answer of the applicants  
7 as the commission finds sufficient the following certificate:  
8 "We hereby certify that the foregoing answers are  
9 satisfactory, and that, in our opinion, the applicant making  
10 the same is well acquainted with the bar pilot grounds, knows  
11 how to handle both steam and sailing vessels, and is competent  
12 to perform the duties of a bay or bar pilot." When the  
13 certificate is duly signed and delivered to the commission,  
14 the applicant shall be deemed qualified to receive a license.

15 Section 23. An apprentice pilot who has successfully  
16 passed an examination for a Mobile Bay or bar pilot shall not  
17 be required to undergo or pass another examination before  
18 being entitled to his or her license or status as a Mobile Bay  
19 or bar pilot.

20 Section 24. The commission shall issue to each bar  
21 pilot licensed and branched by the commission an original and  
22 a duplicate certificate of his or her appointment, competency,  
23 and authority to act as a bar pilot, and as to the extent  
24 thereof, and shall reissue duplicate certificates from time to  
25 time, as the occasion may require. The original and duplicate  
26 certificates shall be signed by a majority of the  
27 commissioners or by the chair by the commission's direction.

1 Each bay or bar pilot holding a license or branch shall keep  
2 upon his or her person, when offering his or her services to  
3 any vessel, his or her duplicate certificate and, upon demand  
4 of the proper officer of the vessel, shall exhibit the same  
5 and allow the officer to inspect it. Before issuing an  
6 original license or branch, the commissioners delivering the  
7 same to the appointee shall require him or her to take and  
8 subscribe in writing an oath as follows, to be administered by  
9 the commissioners: "I, A. B., do solemnly swear (or affirm)  
10 that I will faithfully and according to the best of my skill  
11 and judgment perform the duties of a bar pilot for the Bay and  
12 Harbor of Mobile; that I will at all times, wind and weather  
13 and health permitting, use my best exertions to repair on  
14 board all vessels which I shall see and conceive to be bound  
15 for, coming into or going out of the Harbor or Bay of Mobile,  
16 unless I am well assured that some other licensed bar pilot is  
17 then on board the same; that I will at all times make the best  
18 dispatch in my power to convey safely every vessel committed  
19 to my charge coming into or going out of the Bay or Harbor of  
20 Mobile; and will at all times well and truly observe, follow  
21 and fulfill, to the best of my skill and judgment, all such  
22 directions as I may receive from the commissioners of pilotage  
23 relative to things appertaining to the duty of a bar pilot,  
24 and I will not be a member at the same time of more than one  
25 combination or partnership of bar pilots. So help me God."

26 Section 25. There is levied upon each licensed bar  
27 pilot engaged in service as a bar pilot under this act a

1 license or privilege tax in the sum of one hundred dollars  
2 (\$100) annually plus any reasonable additional assessment that  
3 arises and is necessarily incurred out of the performance by  
4 the bar pilotage commission of its duties imposed by law, to  
5 be paid to the secretary of the commission and to be used for  
6 defraying all expenses and expenditures of the commission  
7 accruing under this act. The commission, by proper  
8 resolutions, may permit the tax to be paid quarterly. The  
9 privilege or license taxes paid to the secretary of the  
10 commission shall become a part of the funds of the commission  
11 and shall be deposited by the secretary and otherwise handled  
12 and disbursed, as required by this act.

13 Section 26. Before receiving his or her branch, the  
14 bar pilot must make and deliver to the commissioners a bond  
15 payable to the chair of the commission and his or her  
16 successors, in the penal sum of two thousand dollars (\$2,000)  
17 with surety to be approved by the commissioners, and with  
18 conditions faithfully to perform his or her duties as bar  
19 pilot; and this bond must be renewed every six years.

20 Section 27. (a) The commissioners shall preserve on  
21 file all bonds and affidavits taken from bar pilots, and,  
22 whenever they consider it necessary, may require a new bond to  
23 be executed. The bar pilot's bond stands as security for any  
24 injury caused by the negligence or want of skill of the bar  
25 pilot, and action may be brought thereon in the name of any  
26 person aggrieved.

1           (b) A bar pilot or apprentice providing bar pilot  
2 services to a vessel is not liable for more than five thousand  
3 dollars (\$5,000) for damage or loss to any person or property  
4 caused by the bar pilot's or apprentice's error, omission,  
5 fault, or neglect in the performance of the bar pilot  
6 services, unless one of the following applies:

7           (1) The damage or loss was caused because of the  
8 willful, intentional, or reckless misconduct of the bar pilot  
9 or apprentice.

10           (2) Liability exists for exemplary or punitive  
11 damages for willful, intentional, or reckless misconduct for  
12 which no other person is jointly or severally liable.

13           (c) This section does not exempt a vessel; its crew;  
14 or its owner, charterer, or operator from liability for damage  
15 or loss caused to any person or property by the vessel on  
16 either of the following grounds:

17           (1) That the vessel was piloted by a bar pilot or  
18 apprentice.

19           (2) That the damage or loss was caused by the error,  
20 omission, fault, or neglect of a bar pilot or apprentice.

21           (d) An association of bar pilots is not liable for  
22 claims arising from acts or omissions of a bar pilot or  
23 apprentice who is a member of the association. A bar pilot or  
24 apprentice is not liable, directly or as a member of an  
25 association of bar pilots, for claims arising from acts or  
26 omissions of another bar pilot or association of bar pilots  
27 that relate to pilotage of a vessel under this act. For

1 purposes of this section, an association of bar pilots means  
2 the association, corporation, company, partnership, or other  
3 entity that employs the bar pilot and other bar pilots of  
4 which the bar pilot is a member, shareholder, partner, or  
5 other owner with other bar pilots.

6 (e) In an action brought against a bar pilot or an  
7 apprentice, or both, for an act or omission for which  
8 liability is limited as provided by this section and in which  
9 other claims are made or anticipated with respect to the same  
10 act or omission, the court shall dismiss the proceedings as to  
11 the bar pilot or apprentice, or both, to the extent the  
12 pleadings allege liability of the bar pilot or apprentice that  
13 exceeds five thousand dollars (\$5,000).

14 (f) The provisions of this section apply only  
15 provided the bar pilots remain self-employed independent  
16 contractors and the number of self-employed independent  
17 contractors does not exceed 20 actively engaged in the  
18 piloting of vessels as licensed by the commission. Employment  
19 of a bar pilot by an association of bar pilots shall not mean  
20 the bar pilot is not self-employed.

21 (g) The protection against or exemption from  
22 liability provided to an association of bar pilots under this  
23 section shall be in addition to the protections against and  
24 exemption from liability provided an association of bar pilots  
25 provided by or under federal or any other law.

26 Section 28. For any violation by any bar pilot of  
27 any of the provisions of this act, or any of the rules

1 established by the commission under the authority conferred  
2 upon the commission by this act, or under any authority which  
3 may be hereafter conferred upon the commission, the commission  
4 may suspend or revoke the license or branch of a bar pilot so  
5 violating the law or rules of the commission. The secretary of  
6 the commission shall notify the bar pilot in writing of the  
7 specific charge preferred against him or her, specifying with  
8 reasonable certainty the law or rule or regulation violated,  
9 the manner in which the same was violated, and the time and  
10 place of the offense, and, by direction of the commission,  
11 shall fix the time for hearing of the charges not less than  
12 five nor more than 30 days from the date of the notice. At the  
13 time and place set forth in the notice, the bar pilot may  
14 appear in person or by counsel, thereupon the commission shall  
15 hear and determine the charges. The commission may subpoena  
16 witnesses; the subpoenas shall be served under the seal of the  
17 commission and attested by the signature of the secretary; and  
18 the subpoenas shall be served by the sheriff, according to the  
19 residence of the witnesses. The fees of the sheriff for  
20 serving the subpoenas shall be paid out of the funds of the  
21 commission.

22 Section 29. Witnesses may be paid a reasonable fee,  
23 as determined by the commission, for attendance at the  
24 hearing. The witness fees shall be paid out of the funds of  
25 the commission.

26 Section 30. The bar pilot against whom the charges  
27 have been filed, upon depositing with the secretary of the



1 commission an amount sufficient to cover the costs and  
2 expenses of serving the subpoenas, together with the mileage  
3 of the witnesses and an amount sufficient to cover at least  
4 three days' attendance of the witnesses, may require the  
5 secretary of the commission to issue subpoenas for witnesses  
6 in his or her behalf in the name of the commission, the  
7 subpoenas to be issued and served as in the case of subpoenas  
8 issued by the direction of the commission, and for failure of  
9 witnesses to attend upon being served with the subpoenas, the  
10 witness shall forfeit the sum of fifty dollars (\$50), which  
11 the commission may collect by a civil action in its own name  
12 in a court of competent jurisdiction.

13 Section 31. The hearing shall be conducted under the  
14 rules as the commission may from time to time establish. The  
15 commission shall hear the testimony of the witnesses and may  
16 administer oaths to the witnesses, and false swearing, after  
17 the administration of the oath by the commission, shall  
18 constitute perjury under the laws of this state. The bar pilot  
19 may be represented by counsel at the hearing. Upon completion  
20 of the hearing, or as soon thereafter as practicable, the  
21 commission shall render its decision, and the decision shall  
22 be by a majority of the commission. The hearing may be  
23 adjourned from time to time as the commission may direct, but  
24 no bar pilot shall be suspended until the final decision by  
25 the commission.

26 Section 32. The commission may deprive any pilot of  
27 his or her branch for a willful violation of his or her

1 duties, or the orders or rules of the commissioners, or for  
2 negligently losing or injuring any vessel in his or her  
3 charge; or when laboring under mental derangement or when so  
4 addicted to habits of intoxication as to be unfit to be  
5 intrusted with the charge of a vessel. Any bar pilot who fails  
6 to act as such for three months, or absents himself or herself  
7 for 10 days at any one time from the Bay or Harbor of Mobile  
8 without leave of the commissioners, may be deprived of his or  
9 her branch. If, while a vessel in the Bay or Harbor of Mobile  
10 is in charge of any civil officer by virtue of process from  
11 any court of record in this state, any bar pilot, with  
12 knowledge thereof, conducts or bar pilots the vessel out of  
13 the bay or harbor, he or she forfeits his or her branch, and  
14 is forever disqualified from acting as a bar pilot, and  
15 forfeits a sum of money as the jury may assess.

16 Section 33. Any person who pilots a foreign vessel,  
17 or an American vessel under register, or any other vessel  
18 subject to the payment of pilotage fees under this act,  
19 entering or leaving the Port of Mobile, in or out of the Bay  
20 of Mobile or over the outer bar thereof, without a license  
21 from the commission, shall be guilty of a misdemeanor.

22 Section 34. (a) The master, owner, agent, or  
23 operator of any ship or vessel shall pay the bar pilot who  
24 conducts a vessel into or out of the Bay or Harbor of Mobile a  
25 fee to be fixed by the commission at the rate of thirty-eight  
26 dollars (\$38) per draft foot for actual draft of water at the  
27 time of pilotage for every vessel crossing the outer bar of

1 Mobile Bay. The minimum pilot fee shall be computed on a  
2 minimum of 15 feet regardless of whether or not the vessel has  
3 a draft of less than 15 feet at the time of pilotage.

4 (b) In addition to the pilotage fee based on the  
5 draft of the vessel, the bar pilot shall also be paid a  
6 pilotage fee for every vessel crossing the outer bar of Mobile  
7 Bay in the sum of six and one-quarter cents (\$0.0625) per ton.  
8 The minimum pilot fee shall be computed on a minimum of 6,500  
9 maximum registered gross tons, regardless of whether or not  
10 the vessel has a maximum registered gross tonnage of less than  
11 6,500 maximum registered gross tons.

12 (c) In addition to the foregoing fees, the  
13 commission shall set fees for special services rendered by the  
14 bar pilots to vessels which are incidental to or connected  
15 with vessels being conducted into or out of the Bay or Harbor  
16 of Mobile which include, but are not limited to, docking and  
17 undocking, going on and off drydock, turning the vessel,  
18 shifting, anchorage and stand-by, and delayed sailing.

19 (d) Vessels drawing seven feet or less of water  
20 shall not be required to employ a bar pilot, but if a bar  
21 pilot is employed, the regular pilotage shall be paid.

22 (e) Effective January 1, 2020, the commission,  
23 annually at the first convened quarterly meeting after the  
24 release of official annual changes to the Consumer Price  
25 Index, shall adjust upward or downward the tariff rates to  
26 provide a cost-of-living adjustment to the applicable tariff  
27 rates. For purposes of this act, tariff rates are fees based

1 on draft and tonnage and other fees referenced in subsections  
2 (a), (b), and (c). The commission shall use the Consumer Price  
3 Index published by the U.S. Department of Commerce Bureau of  
4 Labor Statistics for the previous calendar year as a basis to  
5 make the necessary upward adjustments. Notwithstanding the  
6 foregoing, at its sole discretion, the commission, upon  
7 request from bar pilots or otherwise, may adjust tariff rates  
8 based on other economic consideration to an amount greater  
9 than increases based on changes in the Consumer Price Index  
10 for any given year.

11 (f) No discounts or adjustments to rates and fees  
12 can be offered to shippers, owners, or any agents of shipping  
13 companies.

14 (g) The schedule for all tariff rates and fees shall  
15 be maintained by the commission and available to interested  
16 parties upon written request.

17 Section 35. A bar pilot who has brought a vessel  
18 into port is entitled to his or her fees before the vessel's  
19 departure from port, to be paid in advance, or security given  
20 for the payment and, on failure thereof, may refuse to carry  
21 the vessel out.

22 Section 36. If the master of any vessel retains a  
23 bar pilot on board, the wind and weather permitting the vessel  
24 going to sea, the bar pilot is entitled to tariff fees as  
25 established and approved by the commission.

26 Section 37. There shall be no discrimination among  
27 vessels subject to the payment of pilotage fees, and any

1 person who rebates any pilotage fees or seeks a rebate of  
2 pilotage fees or in any manner creates or aids in creating any  
3 scheme or plan by which a discrimination is effected in favor  
4 of any vessel or the owners, masters, or operators thereof  
5 shall be subject to discipline by the commission, including,  
6 without limitation, having his or her license or branch  
7 revoked.

8 Section 38. All vessels, whether sail, steam, or  
9 propelled by any other motive power, including vessels,  
10 barges, and rafts in tow, engaged in coastwise trade,  
11 including those engaged in trade or plying upon the navigable  
12 rivers of the State of Alabama, and all vessels exempt under  
13 the laws, rules, or regulations of the government of the  
14 United States shall be exempt from payment of any pilotage fee  
15 whatsoever and shall not be required to have the services of a  
16 bar pilot in crossing the outer bar of Mobile Bay or  
17 navigating the waters of the bay or other navigable waters of  
18 the State of Alabama.

19 Section 39. Every bar pilot licensed and branched by  
20 the commission upon reaching the age of 68 years shall be  
21 required to retire and surrender his or her license or branch  
22 to the commission.

23 Section 40. All steam or motor vessels crossing the  
24 outer bar of Mobile Bay, except those exempt under this act,  
25 shall be conducted, controlled, or navigated by a bar pilot  
26 licensed by or under authority of the laws of the State of  
27 Alabama.

1                   Section 41. Every bar pilot, having knowledge of the  
2 discharge of ballast, sweepings, screenings, cinders, refuse,  
3 and rubbish of any kind in the Bay of Mobile or in any river  
4 emptying into the same, contrary to the law, as soon as  
5 practicable, shall give information thereof to the district  
6 attorney having jurisdiction in the Class 2 municipality.

7                   Section 42. This act shall become effective  
8 immediately following its passage and approval by the  
9 Governor, or its otherwise becoming law.