

**CHAPTER 15 – COMMISSION OF NAVIGATION AND PILOTAGE
FOR THE CAPE FEAR RIVER AND BAR**

SECTION .0100 - NAVIGATION AND PILOTAGE FOR THE CAPE FEAR RIVER AND BAR

04 NCAC 15 .0119 NUMBER OF PILOTS

(a) The commission shall license a number of pilots not to exceed one pilot per 98 piloted vessel arrivals annually or fraction thereof, subject to G.S. 76A-14. Annual piloted vessel arrivals shall be calculated by averaging the number of piloted arrivals during the five immediately-preceding calendar years.

(b) The apprentice system established in Rule .0121 of this Chapter shall be used to fill vacancies in the pilotage service except in emergencies, such as the incapacity of one or more licensed pilots due to accident, sickness, or death. In such emergency, the Commission may issue one or more limited-licenses for such term as is necessary to alleviate the emergency, based upon the number of licensed pilots whose capacity is unimpaired, the number of piloted vessel arrivals and departures, and any recommendation of a majority vote of the association. The association's recommendation shall be based on the qualifications of the candidate seeking a limited license, including the candidate's experience, agility, knowledge of the local waters, U.S. Coast Guard certifications, and other skills required to perform the duties of a limited-licensed pilot.

04 NCAC 15 .0121 APPRENTICESHIP

(a) In order to be considered for an appointment as an apprentice pilot, an applicant shall:

- (1) provide evidence of graduation from a maritime college or regionally-accredited four-year college or university or hold a valid Third Mate's Unlimited Ocean license;
- (2) not have been convicted of a felony;
- (3) provide evidence of 20/20 visual acuity uncorrected or corrected by lens;
- (4) provide evidence of being able to distinguish colors by means of the Stilling Test or other equivalent test accepted by the Coast Guard;
- (5) provide three personal references;
- (6) provide evidence of passing a complete physical examination in the form required by the Coast Guard for the issuance of an original federal pilot's license; and
- (7) be a citizen and resident of North Carolina.

(b) If determined by a majority vote of the association that the applicant has demonstrated the knowledge and skill necessary to obtain an apprentice pilot's certificate and if approved by a majority vote of the commission, the applicant shall be issued an apprentice pilot's certificate. He or she shall be known as an apprentice pilot during apprenticeship. No member of the association who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting by the association in recommending whether to approve the application for an apprentice pilot's certificate.

(c) Under the direct supervision of a pilot, an apprentice pilot shall become proficient in all matters appertaining to the duties of a pilot, including:

- (1) the rules of the road as defined by the USCG;
- (2) the use of compass and navigational aids;
- (3) the set of various currents;
- (4) boarding of vessels in heavy weather;
- (5) the bearing of noted objects;
- (6) the number, shapes, and colors of buoys; and
- (7) the use of radar and ranges.

(d) An apprentice pilot shall make such boarding and trips and perform such duties as directed by a pilot in order to master the waters of the river and bar to master the handling of the various vessels that will be under the command of a pilot as they travel inbound from the ocean to the port of call and outbound from the port of call to the ocean.

(e) A limited license may be issued to an apprentice pilot by the commission upon a determination by a majority of the association that the applicant has demonstrated the knowledge and skill necessary to obtain a limited license and after consideration of the factors set forth in Paragraph (c) of this Rule. Prior to advancing from one limited license to the next, a majority of the association shall have signed the limited license, certifying progressive development of the knowledge and skill necessary for a limited license. The commission may issue the next limited license upon a determination by a majority of the association that the applicant has demonstrated the knowledge and skill necessary to obtain that limited license and after consideration of the factors set forth in Paragraph (c) of this Rule. No member of the association who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting by the association in recommending whether to issue a limited license to the applicant.

(f) An apprenticeship may be terminated at any time there is a finding by the commission that progress is not being made as set forth in Paragraphs (c) through (e) or any of the requirements set forth in Paragraph (a) have been violated. A majority vote of the association shall be required in order to present these proposed findings to the commission and recommend termination of an apprenticeship. No member of the association who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting by the association in recommending whether to terminate the applicant's apprenticeship.

(g) In order to be considered for an appointment as a pilot:

- (1) an applicant shall have satisfied all statutory requirements for a full license;
- (2) an applicant shall hold a pilot's license issued by the Coast Guard;
- (3) an applicant shall not have been convicted of a felony;
- (4) an applicant shall be recommended by a majority of the association and have been approved by a majority of the commission;
- (5) there shall be a vacancy in the number of pilots established pursuant to Rule .0119 of this Chapter; and
- (6) no member of the association or commission who is a parent, sibling, or grandparent of an applicant shall participate in the discussion or voting when considering whether to appoint an applicant as a fully licensed pilot.

(h) Upon the successful completion of the apprentice pilot training program and the requirements for a fully licensed pilot, an apprentice pilot shall then be placed on the apprentice pilots waiting list in the order in which they complete all such requirements. When a vacancy

occurs in the number of fully licensed pilots, the apprentice next in line shall be appointed to that vacancy. If he or she declines, his or her name shall be stricken from the waiting list. During this interim between the expiration of the limited license and the occurrence of a vacancy, the apprentice shall be required to make an average of two boardings per month under the supervision of a fully licensed pilot.

Chapter 76A.
Navigation and Pilotage Commissions.
SUBCHAPTER I. CAPE FEAR RIVER NAVIGATION AND PILOTAGE
COMMISSION.
Article 1.
General Provisions.

§ 76A-6. Classes of licenses.

The Commission shall have general authority to issue the following classes of licenses:

- (1) Limited. - Limited licenses may be issued to those who pass requirements established by the Commission to entitle such person to a limited license.
- (2) Full. - A license to pilot any vessel. Provided there is a vacancy in the number of pilot positions established pursuant to G.S. 76A-14, a full license shall be issued to the holder of a limited license who has in the opinion of the Commission satisfactorily served at least one year under a limited license. Additionally the Commission may issue a full license to any one who in the Commission's judgment has sufficient credentials as established under G.S. 76A-5(b) to perform the pilotage task associated with a full license.
- (3) Apprentice. - A license to engage in a program, approved by the Commission, as apprentice pilot under the terms of G.S. 76A-12. (1981, c. 910, s. 1; 1983 (Reg. Sess., 1984), c. 1081, s. 3; 1985, c. 631, ss. 1, 2; c. 689, s. 26.)

§ 76A-12. Apprentices.

The Commission when it deems necessary for the best interest of the State is hereby authorized to appoint in its discretion apprentices, none of whom shall be less than 21 years of age, and to make and enforce reasonable rules and regulations relating thereto. Apprentices shall serve for a minimum of one year but no longer than three years in order to be eligible for a limited license. The Commission shall adopt rules and regulations to monitor the progress of apprentices on a regular basis to assure the progressive development of knowledge and skill necessary to obtain a limited license. (1981, c. 910, s. 1; 1987, c. 475.)

§ 76A-14. Number of pilots.

The Commission shall govern the number of pilots necessary to maintain an efficient pilotage service. Present active pilots shall continue to serve with the Commission's power of reduction to be effective only in the case of natural attrition except as provided in G.S. 76A-15. At no time shall the number of active licensed pilots exceed 15. Docking masters shall not be deemed pilots for this section or any other section in this Chapter. (1981, c. 910, s. 1.)