

(intro Son of a Son of a Sailor):

~~admiral~~ 30710

(voice of John Hughes Cooper):

Good morning to Captain and crew alike and welcome to the Admiralty Docket. This is John Hughes Cooper with a glimpse into your rights and responsibilities at sea and upon the navigable waters.

Today our subject is harbor pilots and pilotage.

Harbor pilots are experts who guide ships moving within a harbor. The guide services provided by harbor pilots are called pilotage. Because of differing local concerns for harbors, federal admiralty law allows state regulation of pilots and pilotage, as long as consistent with federal laws.

South Carolina law requires vessels entering into, departing from, or shifting within one of South Carolina's four ports, to have aboard a state licensed harbor pilot. State law provides age, education, training, vision, color vision, hearing, physical, and mental qualifications for pilot apprentices, and provides service and competency prerequisites to licensing, as well as for registration of licensed pilots. Harbor pilots maintain the highest degree of knowledge and familiarity with shipping channels in the harbor, and take over command of ships during vessel movements within the harbor. State law prohibits unauthorized pilotage, including services by an unlicensed pilot or services beyond his license by a licensed branch pilot. U.S. vessels in coastwise trade using a Coast Guard licensed pilot are excepted from the law, as are U.S. vessels under 100 net registered tons and vessels in distress.

As the admiralty courts have stated, "Provision of pilotage services to a vessel in navigation at the request of an authorized person is a maritime service within the scope of the admiralty contract jurisdiction. Therefore, admiralty law will govern the contract. In the usual case, a maritime lien for the agreed or fair value of the services arises against the vessel at the time pilotage services are provided. Therefore, suit may be brought against the vessel herself in rem in federal court in admiralty."

South Carolina law requires every pilot to offer his services first to the vessel nearest the bar unless ordered otherwise or when the pilot sees a more distant vessel in distress.

A licensed pilot must remain on a vessel at anchor, if required by her master. And the law prohibits licensed pilots and apprentices from discontinuing duties or being absent from the port without permission, except for health reasons. A pilot's license may be suspended or revoked for dereliction of duty, for using abusive or insulting language or threatening conduct, or for intoxication or conduct unbecoming a pilot on or off duty.

The law requires every pilot to avoid as much as possible and refuse to pilot or service any armed vessel of an enemy at war with the United States or other vessels designated by the President of the United States or by the Governor of South Carolina.

South Carolina law limits a pilot's liability for negligence in performance of pilotage services to \$5,000.00, except in case of a pilot's willful misconduct or reckless disregard for safety. Upon boarding, the pilot becomes a borrowed servant of the vessel, her

owners, and her operators, and any negligence of the pilot results in liability for the vessel and her owners.

More next week on The Admiralty Docket. Until then remember your rights and responsibilities may change as you approach the shore and may God Almighty grant you pleasant sailing.

(second voice with Send Lawyers, Guns and Money):

The Admiralty Docket is written and narrated by John Hughes Cooper who specializes in admiralty law litigation with the law firm of Cooper & Raley. The legal principles discussed are general in nature. Laws change and even similar circumstances may call for application of different laws. If you have a question for a future edition of The Admiralty Docket please write to John Hughes Cooper at P. O. Box 1248, Charleston 29402.