

Document No. 5300  
**DEPARTMENT OF LABOR, LICENSING AND REGULATION**  
**COMMISSIONERS OF PILOTAGE**  
**CHAPTER 136**

Statutory Authority: 1976 Code Sections 40-1-50, 40-1-70, 54-15-10, and 54-15-140

- 136-012. Apprentice Selection Process.
- 136-013. Pilot and Apprentice Age Limitations.
- 136-015. Previous Maritime Experience, Apprentice Applicants.
- 136-060. Marine Casualties, Accidents and Other Reports.
- 136-061. Reports of Coast Guard Investigations.
- 136-075. Pilotage Areas.

**Synopsis:**

*South Carolina State Register Vol. 49, Issue 5*  
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The Commissioners of Pilotage for the Lower Coastal area propose to amend the following sections of the Code of Regulations: R.136-012, R.136-013, R.136-015, R.136-060, R.136-061, and R.136-075.

The Notice of Drafting was published in the State Register on July 26, 2024.

**Instructions:**

Print the regulation as shown below. All other items remain unchanged.

**Text:**

ARTICLE 1

LOWER COASTAL AREA

136-012. Apprentice Selection Process.

A. Applicants for apprenticeship shall submit applications to the Commissioners on application forms provided by the Commissioners. A non-refundable application fee shall be submitted with each application.

B. Upon a determination of eligibility by the Commissioners, copies of the complete applications of eligible applicants will be forwarded to the pilots.

C. At such times as vacancies may be forecast or occur within the register of pilots, the Commissioners shall certificate from among the eligible applicants the best qualified individual or individuals for apprenticeship. Selection shall be in accordance with selection criteria procedures, based upon numerical ranking, promulgated by the Commissioners. No agency shall require the selection of more apprentices than needed to fill projected vacancies.

D. Numerical ranking shall be based upon a 100 point system, with 25 points for each of the following categories:

(1) Academic.

(a) Each High School Graduate shall receive 5 points.

(b) In addition, each applicant's cumulative grade point average, on a 4.0 scale or adjusted as such, for an accredited four-year program culminating in a baccalaureate degree, shall be multiplied by a factor of 5, or for an accredited two-year associate degree or equivalent, multiplied by a factor of 2.5. In the case of a person with both types of degrees, only the four-year degree will be scored.

(c) An applicant earning one or more accredited masters or other post-graduate degrees from a physical university may be awarded a total of two additional points.

(d) The total academic score may not exceed 25 points.

(2) Previous maritime experience. The Commissioners shall award points to applicants pursuant to subpart 136-015.

(3) Interview. Every applicant shall be interviewed by the Commissioners. Each person interviewed shall be assigned from 0 to 25 points based upon objective scoring guidelines published by the Commissioners.

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(4) Pilot potential. The Commissioners shall forward the application files of every eligible applicant to the pilots who shall consider the documentary evidence submitted with the application, any letters of recommendation received, and other information in the applicant's file. The pilots shall assign from 0 to 25 points to those applicants whose applications indicate that they have the greatest potential and who they believe are the best qualified to become pilots and future business partners, in accordance with the criteria contained in the Policies and Procedures Manual.

E. The names and rankings of the applicant(s) recommended by the pilots for certification as apprentice pilots will be submitted to the Commissioners along with the names and rankings of the next five highest-ranked applicants not recommended.

F. The Commissioners may approve the name(s) recommended by the pilots or they may return the name(s) for reconsideration.

G. The Commissioners shall award a Certificate of Apprenticeship to every apprentice they have approved. Said certificate shall terminate upon satisfactory completion of the apprentice training program or upon the termination of the apprentice for cause or resignation.

### 136-013. Pilot and Apprentice Age Limitations.

A. The required physical rigors and necessary stamina render service as a pilot in the Lower Coastal Area to be such that no pilot seventy years or older will be registered.

B. The experience necessary to build and maintain optimal proficiency as a pilot, through apprenticeship, short branch licensure, and as a Full Branch Pilot, occurs and progresses continually. It is in the best interest of pilotage that such proficiency is developed and cultivated to allow for a well-experienced group of pilots to each serve for a substantial career. Therefore, an applicant who has reached their 34<sup>th</sup> birthday will be ineligible for review by the Commissioners in determining appointments to apprenticeships.

### 136-015. Previous Maritime Experience, Apprentice Applicants.

A. The Commission shall ensure that eligible applicants for apprenticeship be assured that any previous maritime experience is considered in the selection process.

B. The Commissioners shall assign up to 25 points to any applicant who has demonstrated previous maritime knowledge or experience. Consideration will be given to the following federal license and experience factors:

#### KIND OF MARINE EXPERIENCE DOCUMENTED POINTS

1. Master, oceans, any gross tons 21
2. Chief Mate, oceans, any gross tons 19
3. Second Mate oceans, any gross tons 17
4. Third Mate, oceans, any gross tons 15
5. Master, near coastal less than 100 GT 10
6. Operator, uninspected towing vessel or Inland Master 10
7. Federal first class pilot license or endorsement 1

8. Motorboat operator license 5

9. Small craft and sailing experience

(a) Collegiate sailing team member, years on team 1 to 4

(b) Local sailing and offshore regatta crew 1 to 5

(c) Small craft operation in Charleston Harbor and 5 approaches, 1 point per year, but experience must equal or exceed 100 days per year, up to a maximum of (Note: The points awarded for small craft experience cannot total more than five points.) Points awarded to the above factors 1 through 9 may be accumulated to a maximum of 25.

10. Points for licenses issued by the Coast Guard not listed above, will be interpreted by the Commissioners based on Coast Guard requirements for experience, service and testing consistent with the above licenses. Lists of other licenses and their assigned scores will be included in the Commissioners Policy and Procedures Manual.

#### 136-060. Marine Casualties, Accidents and Other Reports.

A. Marine Casualties are defined in 46 CFR 4. These are required to be reported to the Coast Guard by the owners, operators, masters or agents of vessels so involved. This requirement affects all U.S. commercial vessels and every foreign flag vessel on U.S. waters.

B. Hazardous conditions are defined in 33 CFR 160.203 and must be reported to the Coast Guard.

C. Navigation safety regulations are prescribed in 33 CFR 164 to protect the Port.

D. Every pilot must immediately report, or cause to be reported, every marine casualty as defined and specified for reporting in 46 C.F.R. 4 to the Coast Guard, and for those casualties defined as "serious marine incidents" according to 46 C.F.R. 4.03, to the Commissioners of Pilotage for the Lower Coastal Area. Hazardous conditions and violations of a navigation safety regulation shall be reported to the Coast Guard and to the Commissioners of Pilotage for the Lower Coastal Area as warranted for timely required or appropriate action. Marine casualties as defined in 46 C.F.R. 4 occurring since the previous meeting of the Commissioners and not yet reported, shall be reported to the Commissioners at the next scheduled meeting of the Commissioners.

#### 136-061. Reports of Coast Guard Investigations.

A. The Commissioners shall request copies of all Coast Guard investigations pertaining to accidents, marine casualties, complaints, and disciplinary actions including suspension and revocation proceedings and civil penalty actions which occurred within their area of jurisdiction when involving vessels under pilotage or involving the actions of a pilot licensed by the Commissioners.

B. The Commissioners shall establish procedures to take appropriate action whenever a state pilot has been subjected to a Coast Guard finding of misconduct, negligence, physical or mental incompetence, or violation of federal law or regulation.

#### 136-075. Pilotage Areas.

A. The Federal Boundary lines defined in 46 CFR 7.65, 46 CFR 7.70 and 46 CFR 7.75 describe the areas of the coastal waters along the coast of South Carolina that delineate the application of federal vessel manning and licensure requirements. State pilotage laws and regulations shall extend at least to the Boundary Lines established in Federal Regulation.

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B. The Commissioners of Pilotage for the Lower Coastal Area shall extend the applicability of pilotage laws, regulations, and policy seaward of the federal Boundary Lines whenever necessary to:

(1) Assure that every foreign flag vessel or US vessel under register, while transiting offshore waters that otherwise may present the risk of grounding in the process of calling at every South Carolina port, is conducted and piloted by a pilot licensed by the Commissioners of Pilotage for the Lower Coastal Area.

(2) Assure that every foreign flag vessel or US vessel under register calling at offshore moorings located within offshore waters under the jurisdiction of the State of South Carolina is conducted and piloted by a pilot licensed by the Commissioners of Pilotage for the Lower Coastal Area.

C. The pilot station for the pilot vessels cruising off shore shall be in the approximate vicinity of the designated sea buoy or on the waters of the Atlantic Ocean, or up to two nautical miles seaward of the area where piloted vessels are restricted by draft and safe underkeel clearances, whichever is greater.

#### **Fiscal Impact Statement:**

There will be no cost incurred by the State or any of its political subdivisions for these regulations.

#### **Statement of Rationale:**

The updated regulations, Regulations 136-012, 136-015, 136-060, 136-061, and 136-075, will revise the apprentice selection process, revise the process to obtain Coast Guard investigations and report Coast Guard incidents to the Commissioners, clarify references to Federal jurisdictional boundaries as they relate to pilotage waters, and clarify pilotage waters for unmarked or minimally marked inlets.