

**CHAPTER 62.  
MARINE PILOTS.**

**Article**

- 1. Board of Marine Pilots (§§ 08.62.010—08.62.050)**
- 2. Licensing (§§ 08.62.080—08.62.155)**
- 3. Miscellaneous Provisions (§§ 08.62.157—08.62.190)**
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**ARTICLE 1.  
BOARD OF MARINE PILOTS.**

**Section**

- 10. Creation and membership of board**
- 20. Appointment and term of office**
- 30. Meetings**
- 40. Powers and duties**
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**Sec. 08.62.010. Creation and membership of board.** There is created the Board of Marine Pilots. It consists of two pilots licensed under this chapter who have been actively engaged in piloting on vessels subject to this chapter, two registered agents or managers of vessels subject to this chapter who are actively engaged in the procurement of pilotage services, two public members in accordance with AS 08.01.025, and the commissioner or the commissioner's designee. Not more than one pilot and one registered agent or manager may be from any one pilotage region established by the board. Not more than one registered agent or manager may be employed by, be a contractor for, or hold a financial interest in the same marine industry business entity, including commonly owned, affiliated, or subsidiary business entities. All members of the board shall be residents of the state.

**Sec. 08.62.020. Appointment and term of office.** The governor shall appoint the members of the board under AS 08.01.020.

**Sec. 08.62.030. Meetings.** The board shall hold at least three regularly scheduled meetings each year. The board may hold special meetings at the call of the chair or at the request of a majority of the members of the board.

**Sec. 08.62.040. Powers and duties.** (a) The board shall

(1) provide for the maintenance of efficient and competent pilotage service on the inland and coastal water of and adjacent to the state to assure the protection of shipping, the safety of human life and property, and the protection of the marine environment;

(2) consistent with the law, adopt regulations, subject to AS 44.62 (Administrative Procedure Act), establishing the qualifications of and required training for pilots and providing for the examination of pilots and the issuance of original or renewal pilot licenses to qualified persons;

(3) keep a register of licensed pilots, licensed deputy pilots, and agents;

(4) adopt regulations establishing

(A) pilotage regions in the state;

(B) the criteria for concurring in the amount of license, application, training, investigation, and audit fees proposed by the department under AS 08.01.065;

(C) the criteria for recognizing pilot organizations under AS 08.62.175;

(5) make available, upon request, copies of this chapter and the regulations adopted under this chapter;

(6) review and approve the articles, bylaws, and rules of pilot organizations;

(7) audit a pilot organization or an individual pilot as necessary to implement and enforce this chapter;

(8) review and approve training programs conducted by pilot organizations; the board shall cooperate with the Department of Environmental Conservation in the review and approval of training programs for pilots of tank vessels;

(9) establish and publish the dates of future license examinations; and

(10) approve or disapprove rates for pilotage services as provided under AS 08.62.046.

(b) The board may, by regulation, make any other provision for proper and safe pilotage upon the inland and coastal water of and adjacent to the state and for the efficient administration of this chapter, including establishing

(1) different licensing criteria for a pilotage region if justified by regional differences in piloting;

(2) a mandatory drug and alcohol testing program, including random tests, post-incident tests, and tests based upon reasonable cause, for pilots licensed under this chapter and for trainees and apprentices seeking a license or endorsement under this chapter; the board may delegate responsibility for administration of all or a portion of a testing program to pilot organizations;

(3) criteria for trainee selection and for training programs conducted by pilot organizations;

(4) standards under which a pilot may receive a license or an endorsement to a license to pilot vessels in more than one pilotage region under AS 08.62.080(b); and

(5) procedures for the review of proposed rates by the board under AS 08.62.046.

(c) The board may, for good cause, require a pilot licensed under this chapter to submit to a physical or mental examination to determine the pilot's fitness to perform the duties of a pilot.

(d) Notwithstanding the exemption from AS 45.50.562 - 45.50.596 granted to pilot organizations under AS 45.50.572(a), the board may not adopt a regulation or take other action resulting in anti-competitive activities that, if the board were subject to AS 45.50.562-45.50.596, would violate AS 45.50.562-45.50.596.

(e) The board may delegate duties to the marine pilot coordinator as necessary to assist the board in administering and enforcing this chapter.

(f) The board may impose a civil fine on the owner or operator of a pleasure craft of foreign registry who, in violation of this chapter, fails to employ a pilot licensed under this chapter or fails to comply with the pilotage requirement under AS 08.62.180(b). Notwithstanding AS 08.01.075, the amount of the civil penalty may not exceed \$10,000 for each violation. Each entry into state water in violation of this chapter or AS 08.62.180(b) is a separate violation.

**Sec. 08.62.046. Rates for pilotage services.** (a) A pilot organization recognized by the board shall adopt and publish rates for the provision of pilotage services. The pilot organization shall adopt rates for pilotage services as provided under this section. Notwithstanding this section, a pilot organization may enter into agreements with the master, owner, operator, or agent of a master, owner, or operator, of a vessel for the provision of pilotage services at rates of compensation that are different from the rates adopted under this section. Unless a pilot organization has an agreement with the master, owner, operator, or agent of a master, owner, or operator, of a vessel that sets rates for the provision of a pilotage service, the pilot organization may not charge a rate for the provision of the pilotage service to the vessel that is different from the rate adopted or established under this section.

(b) If a pilot organization intends to adopt a new or revised rate for the provision of a pilotage service, the pilot organization shall, before October 15, send a notice of intent to adopt a rate for provision of the pilotage service to the board and to all registered agents and publish the notice on at least three days during a period of 14 consecutive days in a newspaper of general circulation in the state. The notice of intent to adopt a rate must include a copy of the proposed rate and the name and mailing address of the pilot organization that intends to adopt the rate. If no objection to the proposed rate is filed with the board under (c) of this section, the rate takes effect on January 1 of the year following the year in which the notice of the intent to adopt the rate was filed with the board.

(c) The master, owner, operator, or agent of the master, owner, or operator, of a vessel required to employ a pilot under this chapter may object to the proposed rate for a specific pilotage service by filing a written notice of objection, containing the grounds for the objection and relevant evidence demonstrating that the rate is not reasonable, with the board within 60 days after the final date of publication of the proposed rate in a newspaper of general circulation. The pilot organization that proposed the rate has until 15 days after the close of the period for filing objections to the proposed rate to provide its written response to the notice of objection and relevant evidence demonstrating that the rate is reasonable. If the pilot organization does not respond to the notice of objection by the close of the 15-day period for response to the objection, the board may not take action on the proposed rate and the proposed rate does not take effect. If the pilot organization does respond to the notice of objection before the close of the response period, the board shall hold a hearing to determine whether the proposed rate is reasonable. If the board finds that the proposed rate is reasonable, the rate is approved and takes effect retroactive to January 1 of the calendar year in which the rate would have taken effect under (b) of this section if no objection had been filed. If the board finds that the proposed rate is not reasonable, the proposed rate is disapproved and does not take effect. In determining what constitutes a reasonable rate, the board shall consider the following factors:

(1) current and historical rates charged for comparable pilotage services;

(2) the actual time aboard the vessel, time engaged in preparing to provide the pilotage services, seasonal and weather conditions, and risks;

(3) the reasonable expenses incurred in provided the pilotage services such as dispatch, transportation, overhead, and other associated expenses;

(4) the financial effect of pilotage expenses on the owner of the vessel, except that this factor shall only be considered if the owner provides all financial information that the board determines is necessary to determine the financial effect;

(5) the number of vessels and volume of pilotage services at issue in the dispute and the number of members of the pilot organization;

(6) the effect of the determination on the income of affected pilots relative to prior years, taking into account changes in vessel tonnage and vessel traffic in the pilotage region from year-to-year;

(7) prior determinations under this subsection; and

(8) other factors the board considers relevant.

(d) Pending the review and approval of the proposed rate for a specific pilotage service by the board under (c) of this section, the current rate then in effect for that pilotage service remains in effect until the board approves the proposed rate. If the proposed rate approved by the board is greater than the current rate, then the master, owner, or operator of the vessel or the vessel is liable for the payment of the additional amount owed for the provision of pilotage services during the pendency of the review by the board due to retroactive application of the approved rate under (c) of this section. If the proposed rate is less than the current rate, then the pilot organization is liable to the

master, owner, or operator of the vessel or the vessel for reimbursement of the amount overpaid for the provision of pilotage services during the pendency of the review by the board due to the retroactive application of the approved rate under (c) of this section.

(e) If the board finds under (c) of this section that a proposed rate is not reasonable, the pilot organization may propose a new rate for that pilotage service within 60 days after the decision of the board is issued by sending a notice of intent to adopt a rate for provision of the pilotage service to the board and to all registered agents and publishing the notice on at least three days during a period of 14 consecutive days in a newspaper of general circulation in the state. The notice of intent to adopt a rate must include a copy of the proposed rate and the name and mailing address of the pilot organization that intends to adopt the rate. If a timely objection to the proposed rate is not filed with the board under (c) of this section, the rate takes effect retroactive to January 1 of the same calendar year in which the initial rate proposed under (b) of this section would have taken effect if no objection had been filed. If a timely objection is filed, the provisions of (c) and (d) of this subsection apply to the proposed rate.

(f) The board shall provide a schedule of rates adopted under this section to agents registered under AS 08.62.187.

**Sec. 08.62.050. Marine pilot coordinator.** (a) The department, with the approval of the board, may hire a marine pilot coordinator who is qualified to assist the board in administering and enforcing the provisions of this chapter. The coordinator is in the partially exempt service under AS 39.25.120.

(b) The person who is hired as coordinator may not

- (1) be an active member of a pilot organization in the state;
- (2) work as a pilot while employed as the coordinator, except to the extent required by official duties; or
- (3) have a financial interest in a pilot organization or in a pilot vessel or other equipment used by a pilot organization.

(c) In addition to other duties as may be assigned by the board, the marine pilot coordinator may review applications for examination and licensure to ascertain whether the applicant satisfies the applicable requirements.

## **ARTICLE 2. LICENSING.**

### **Section**

- 80. License required; restrictions and conditions**
- 90. Application**
- 93. Qualifications for deputy marine pilot license**
- 97. Training programs for deputy marine pilot license**
- 100. Qualifications for a marine pilot license**
- 120. Renewal of licenses**
- 130. Lapsed license**
- 140. Fees**
- 150. Denial, revocation or suspension**
- 155. Disciplinary sanctions**

**Sec. 08.62.080. License required; restrictions and conditions.** (a) A person may not pilot a vessel subject to this chapter unless the person is licensed under this chapter and is a member of a pilot organization recognized by the board.

(b) A pilot may not be licensed in more than one pilotage region at one time unless the commissioner determines that an actual or imminent shortage of licensed pilots exists in a pilotage region. If the commissioner makes the determination described in this subsection, the board may, after consultation with the recognized pilot organizations and registered agents in the affected pilotage region, issue temporary licenses for the affected pilotage region to pilots who already hold a license for another pilotage region. The board shall ensure that sufficient pilots are available to provide pilotage services in the affected pilotage region to all vessels required to employ a pilot under this chapter. A temporary license issued under this subsection is valid for a period of not more than one year.

(c) A license issued under this chapter must identify the specific waterways and ports in each pilotage region in which a licensee is authorized by the board to pilot vessels. The board shall authorize a licensee to pilot vessels in a specific waterway or port in a pilotage region upon the licensee satisfying the training and other qualifying requirements required by the board to pilot vessels in that waterway or port.

**Sec. 08.62.090. Application.** (a) A person who desires to be licensed under this chapter shall apply in writing to the department.

(b) The application shall provide the information and be made on a form prescribed by the department.

(c) In order to be eligible to take the next scheduled examination, a person shall file the application with the board at least 60 days before the date of the examination.

**Sec. 08.62.093. Qualifications for deputy marine pilot license.** (a) The board shall issue a deputy marine pilot license for a marine pilotage region to a person who

- (1) is a citizen of the United States;
- (2) passes the written and oral examinations that may be required by the board;
- (3) has completed training requirements established by the board; and
- (4) satisfies (b) and (c) of this section.

(b) A person who applies for a deputy marine pilot license under this chapter shall provide proof satisfactory to the board of the following experience:

(1) one year of service as a master on ocean or coastwise vessels while holding a United States Coast Guard license as master of ocean steam or motor vessels of any gross tons;

(2) two years of service as a master on United States Coast Guard inspected vessels of not less than 1,000 gross tons or tug and tow of not less than 1,600 combined gross tons while holding at least a United States Coast Guard license as master of steam or motor vessels of not more than 1,600 gross tons;

(3) two years of service as a chief officer on ocean or coastwise vessels of not less than 1,600 gross tons while holding a United States Coast Guard license as master of ocean steam or motor vessels of any gross tons;

(4) two years of service as commanding officer of United States commissioned vessels of not less than 1,600 gross tons and hold a United States Coast Guard license as master of ocean steam or motor vessels of any gross tons;

(5) three years of experience as a member of a professional pilot's organization, during which the person actively engaged in piloting while holding at least a United States Coast Guard license as a master of steam or motor vessels of not more than 1,600 gross tons; or

(6) four years of experience gained in a board approved deputy marine pilot apprenticeship program in the pilotage region for which the deputy marine pilot license is sought and hold at least a United States Coast Guard license as master of steam or motor vessels of not more than 1,600 gross tons.

(c) A person who applies for a deputy marine pilot license under this section shall possess an endorsement of first class pilotage on the person's United States Coast Guard license without tonnage restrictions for the pilotage region for which the person seeks the deputy marine pilot license.

(d) A person licensed as a deputy marine pilot under this section may, except as otherwise provided by the board, pilot vessels of 25,000 gross tons or less in a marine pilotage region for which the license is issued.

(e) *Repealed 1995.*

**Sec. 08.62.097. Training programs for deputy marine pilot license.** (a) The board shall establish standards for training programs for a deputy marine pilot license. The standards may include requirements for

(1) supervised familiarization and training trips on vessels subject to this chapter;

(2) supervised dockings, undockings, and tug assisted maneuvers;

(3) special training or experience necessary to qualify for a deputy marine pilot license for a particular marine pilotage region;

(4) completion of the training program within a specified period;

(5) other training or experience that the board considers appropriate.

(b) A person who supervises the training of persons who are seeking a deputy marine pilot license under this chapter shall

(1) hold a marine pilot license issued under AS 08.62.100; however, if the board finds that there are no marine pilots licensed in a pilotage region who are available to supervise training under this section, the board may authorize a person who is licensed in that pilotage region as a deputy marine pilot to supervise the training of persons who are seeking a deputy marine pilot license in that pilotage region;

(2) receive prior authorization from the board to supervise the training of those persons;

(3) maintain a written log and evaluation on a form provided by the board of the training and progress of the person being supervised.

**Sec. 08.62.100. Qualifications for a marine pilot license.** (a) The board shall issue a marine pilot license for a marine pilotage region to a person who

(1) is a citizen of the United States;

(2) passes examinations that may be required by the board;

(3) has three years experience as a deputy marine pilot licensed under this chapter; and

(4) satisfies additional requirements as may be required by the board by regulation.

(b) Notwithstanding (a) of this section, a person who holds a marine pilot license of any type on the day before July 2, 1991 shall, subject to continued eligibility for the license under this chapter and regulations adopted under this chapter, receive a renewable marine pilot license of the same type and subject to the same qualifications and endorsements as that which the person held on July 1, 1991. A person who receives a license under this subsection may change the type of marine pilot license and the qualifications and endorsements attached to the license in accordance with regulations adopted by the board.

**Sec. 08.62.120. Renewal of licenses.** (a) In order to renew a marine pilot license, a person who is licensed under AS 08.62.100 shall

(1) submit an application for renewal of the license on a form provided by the department;

(2) submit proof of continued qualification under AS 08.62.100 to receive a marine pilot license;

(3) provide evidence of satisfactory completion of a physical examination by a licensed physician within 60 days before the date of renewal of the license;

(4) submit proof satisfactory to the board that the person has

(A) engaged in piloting vessels subject to this chapter in the marine pilotage region for which the license is to be renewed during at least 120 days in the licensing period immediately preceding the licensing period for which renewal is sought; or

(B) completed the minimum number of familiarization trips required by the board for renewal of a marine pilot license for a marine pilotage region for which the license is to be renewed.

(b) The board shall establish criteria for the renewal of a deputy marine pilot license.

**Sec. 08.62.130. Lapsed license.** (a) The board shall reinstate a lapsed marine pilot license if, in addition to complying with the requirements of AS 08.01.100(a) - (c) and AS 08.62.120, the pilot takes and passes a written and oral examination if the license has been lapsed one year or more.

(b) The board shall establish criteria for reinstatement of a lapsed deputy marine pilot license.

**Sec. 08.62.140. Fees.** (a) The department shall set fees under AS 08.01.065 for applications, licenses, agent registrations, investigations, audits, and training.

(b) The fee for an application for an exemption under AS 08.62.180(b) from the mandatory pilotage requirement of this chapter is \$250 plus \$50 for each whole foot in overall length of the vessel that exceeds 65 feet.

**Sec. 08.62.150. Denial, revocation or suspension.** (a) The board shall impose a disciplinary sanction on a person licensed under this chapter when the board finds that the person

(1) is incompetent in the performance of pilotage duties;

(2) is chemically impaired;

(3) illegally possesses, uses, or sells narcotic or hallucinogenic drugs;

(4) makes a false statement to obtain a license;

(5) violates a provision of this chapter or a regulation adopted under this chapter;

(6) is guilty of misconduct during the course of employment;

(7) has had the person's United States Coast Guard pilot license conditioned, suspended, or revoked; or

(8) charges, collects, or receives an amount for pilotage services that is different from the rate adopted under AS 08.62.046 or the rate agreed to under AS 08.62.175(e) by the pilot organization of which the person is a member.

(b) *Repealed 1987.*

**Sec. 08.62.155. Disciplinary sanctions.** (a) The board may take disciplinary action against a person licensed under this chapter under AS 08.01.075.

(b) The board may impose a civil fine not to exceed \$5,000 on a marine pilot organization recognized by the board if the organization violates this chapter or a regulation adopted under this chapter. The board may also suspend or revoke the recognition of a pilot organization that fails to comply with its articles, bylaws, and rules, so as to no longer satisfy the minimum standards for recognition by the board.

### ARTICLE 3. MISCELLANEOUS PROVISIONS.

#### Section

**157. Duties of licensed pilots**

**160. Mandatory employment of licensed pilots**

**163. Pilots as independent contractors**

**165. Limitation of liability**

**170. Pilot's lien for compensation**

**175. Regional marine pilot organizations**

**180. Exemptions**

**185. Certain licensed pilots required for oil tankers**

**187. Registration of agents required**

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**Sec. 08.62.157. Duties of licensed pilots.** (a) A person licensed under this chapter has a primary duty to safely navigate vessels under the pilot's direction and control and to protect life and property and the marine environment while engaged in the provision of pilot services.

(b) A person licensed under this chapter shall report to the appropriate authority all violations of a federal or state pilotage law.

**Sec. 08.62.160. Mandatory employment of licensed pilots.** A vessel subject to this chapter navigating the inland or coastal water of or adjacent to the state as determined by the board in regulation shall employ a pilot holding a valid license under this chapter. The board shall define the mandatory pilotage water of the state.

**Sec. 08.62.163. Pilots as independent contractors.** (a) Pilots licensed under this chapter are independent contractors and may not be employed as an employee of the owner or operator of a vessel subject to this chapter.

(b) The owner or operator of a vessel subject to this chapter may not employ a person licensed under this chapter as an employee.

**Sec. 08.62.165. Limitation of liability.** (a) A pilot licensed under this chapter is not liable for damages in excess of \$250,000 per incident for damages or loss occurring as a result of the error, omission, fault, or neglect of the pilot in performing pilotage services, except that the limitation does not apply in a case where

(1) the pilot is either grossly negligent or guilty of wilful misconduct; or

(2) the error, omission, fault, or neglect of the pilot constitutes an act for which the board shall impose a disciplinary sanction under AS 08.62.150(a)(2) or (3).

(b) Nothing in this section exempts a vessel, a vessel's cargo, or the owner or operator of a vessel or cargo from liability for damage or loss caused by the vessel, the vessel's cargo, or the owner or operator of the vessel or cargo to the vessel, the vessel's cargo, another person, or other property on the ground that

(1) the vessel was piloted by a pilot licensed under this chapter; or

(2) the damage or loss occurred as a result of the error, omission, fault, or neglect of a pilot licensed under this chapter.

(c) An organization of pilots is not liable for claims arising from acts or omissions of a pilot who is a member of the organization or for acts or omissions of another organization of pilots that relate to pilotage of a vessel. A pilot is not liable, directly or as a member of an organization of pilots, for claims arising from acts or omissions of another pilot or organization of pilots that relate to pilotage of a vessel. This subsection does not apply to acts or omissions relating to the ownership or operation of pilot boats or the transportation of pilots to and from a vessel to be piloted.

**Sec. 08.62.170. Pilot's lien for compensation.** Each vessel, its tackle, apparel, and furniture and the owner of the vessel are jointly and severally liable for the compensation of a pilot employed on the vessel and the pilot has a lien on the vessel, the vessel's tackle, apparel, and furniture for the pilot's compensation.

**Sec. 08.62.175. Regional marine pilot organizations.** (a) To the extent permitted under federal and state law, persons licensed under this chapter may form organizations of pilots within each pilotage region established by the board.

(b) The board shall recognize pilot organizations that satisfy the minimum standards established by the board by regulation.

(c) A pilot organization recognized by the board shall

(1) promote a safe and reliable system of marine pilotage for the region in which the organization is recognized;

(2) provide for the dispatch of pilots who are members of the organization;

(3) adopt and revise rates for the provision of pilotage services not covered by an agreement under (e) of this section;

(4) subject to the membership application and approval provisions contained in the articles and bylaws of the organization, be open to membership by all persons licensed under this chapter to pilot vessels in the pilotage region in which the organization is recognized;

(5) operate or participate in a training program for pilots and deputy pilots that is approved by the board; a training program for deputy pilots may include a deputy marine pilot apprenticeship program approved by the board;

(6) cooperate with and assist the board in implementing this chapter;

(7) by February 1 of each year, submit a report to the board that includes information on the status of training and apprenticeship programs, the number of members of the pilot organization who are state residents, and other information requested by the board.

(d) A pilot organization recognized by the board may not begin operating until the articles, bylaws, and rules of the pilot organization are approved by the board on the basis of

(1) uniform and nondiscriminatory application of the articles, bylaws, and rules to marine pilots and deputy marine pilots licensed under this chapter and trainees for marine pilot licenses;

(2) compliance with applicable laws; and

(3) effectiveness in

(A) promoting an efficient, reliable, and professional marine pilotage system in the region;

(B) maintaining a sufficient number of qualified pilots available for dispatch to serve the needs of vessels visiting the region during each hour of the day and each day of the year to the extent that it is reasonably possible given the size of the membership of the pilot organization;

(C) promoting training programs for marine pilots and deputy marine pilots that are approved by the board.

(e) A pilot organization recognized by the board may enter into agreements with the master, owner, operator, or agent of a master, owner, or operator, of a vessel concerning the terms and conditions under which the pilot organization will provide pilotage services.

(f) A pilot organization recognized by the board shall dispatch a person who is licensed under this chapter and who is a member of the organization to provide pilotage services upon the request of a representative of a vessel required to employ a pilot under AS 08.62.160.

**Sec. 08.62.180. Exemptions.** (a) This chapter does not apply to

- (1) vessels subject to federal pilot requirements under 46 U.S.C. 8502 except as provided in AS 08.62.185;
- (2) fishing vessels, including fish processing and fish tender vessels, registered in the United States or in British Columbia, Canada;
- (3) vessels propelled by machinery and not more than 65 feet in length over deck, except tugboats and towboats propelled by steam;
- (4) vessels of United States registry of less than 300 gross tons and towboats of United States registry and vessels owned by the State of Alaska, engaged exclusively
  - (A) on the rivers of Alaska; or
  - (B) in the coastwise trade on the west or north coast of the United States including Alaska and Hawaii, and including British Columbia, Yukon Territory, and Northwest Territories, Canada;
- (5) vessels of Canada, built in Canada and manned by Canadian citizens, engaged in frequent trade between
  - (A) British Columbia and Southeastern Alaska on the inside water of Southeastern Alaska south of 59 degrees, 29 minutes North latitude, if reciprocal exemptions are granted by Canada to vessels owned by the State of Alaska and those of United States registry; or
  - (B) northern Alaska north of 68 degrees, 7 minutes North latitude and Yukon Territory or Northwest Territories;
- (6) pleasure craft of United States registry;
- (7) pleasure craft of foreign registry of 65 feet or less in overall length; and
- (8) vessels of the Canadian Navy or Canadian Coast Guard that have a home port in British Columbia, Canada, while navigating the inside water of Southeast Alaska.

(b) The operator of a pleasure craft of foreign registry of more than 65 feet overall length but less than 175 feet overall length may apply for an exemption from the pilotage requirement of this chapter. If an exemption is applied for and the fee prescribed under AS 08.62.140(b) is paid, the board may issue the exemption to the operator of the vessel. The exemption is valid for one year from the date on which the exemption is issued. The application for an exemption must be submitted to the board at least 30 days before the vessel enters the state. The board shall approve or deny an application for the exemption within 10 working days after the application is received by the board. If the board does not approve or disapprove the application within 10 working days, the exemption is considered to be approved, and the board shall issue the exemption. The 10-day period for action by the board is suspended while the board is waiting for a response to a request by the board for additional information from the applicant. An exemption issued under this subsection may be revoked by the board if the vessel is not operated in a manner that is appropriate to protect human life, property, and the marine environment or if the vessel does not comply with all applicable local, state, and federal laws. The exemption must remain on the vessel while the vessel is in state water. An exemption issued under this subsection does not exempt a vessel from the requirement to employ a pilot licensed under this chapter while the vessel is in Wrangell Narrows or in the water between Chatham Strait and Sitka via Peril Strait.

(c) The operator of a pleasure craft of foreign registry of more than 65 feet overall length but not more than 125 feet overall length that has received an exemption under (b) of this section shall proceed upon initial entry into state water to the first port of call to receive navigational and safety information from an agent registered under AS 08.62.040(a)(3) who is employed by the operator of the vessel. The navigational and safety information provided by the agent must be approved by the marine pilot coordinator and annually reviewed, revised, and approved as appropriate by the board at its spring meeting.

(d) The operator of a pleasure craft of foreign registry of more than 125 feet overall length but less than 175 feet overall length that has received an exemption under (b) of this section shall employ a pilot licensed under this chapter from initial entry into compulsory pilotage water of the state to the first port of call. The marine pilot shall provide navigational and safety information relating to the pilotage region to the operator of the vessel.

(e) In (b) - (d) of this section,

- (1) "for hire" means for consideration contributed as a condition of carriage on a vessel, whether directly or indirectly flowing to the owner, charterer, operator, agent, or other person having an interest in the vessel;
- (2) "pleasure craft" means a vessel that does not carry passengers or freight for hire.

**Sec. 08.62.185. Certain licensed pilots required for oil tankers.** (a) Any oil tanker, whether enrolled or registered, of 50,000 dead weight tons or greater, shall, when navigating in state water beyond Alaska pilot stations employ a pilot licensed by the state under this chapter.

(b) The pilot required in (a) of this section shall control the vessel during all docking operations.

**Sec. 08.62.187. Registration of agents required.** A person may not act as an agent of a vessel subject to this chapter unless the person's name appears on the register of agents kept under AS 08.62.040(a)(3).

**Sec. 08.62.190. Penalties.** (a) A master or owner of a vessel required by this chapter to employ a licensed pilot who fails to do so when a licensed pilot is available, unless the perils or hazards of the sea prevent the employment of a pilot, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$5,000 nor more than \$15,000 for the first offense and not less than \$10,000 nor more than \$30,000 for the second offense.

(b) A person who violates any other provision of this chapter or a regulation adopted under this chapter is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not less than \$1,000 nor more than \$5,000.

(c) For purposes of (a) of this section, the board shall define by regulation the phrase "when a licensed pilot is available."

**ARTICLE 4.  
GENERAL PROVISIONS.**

**Section**

**900. Definitions**

**990. Short title**

**Sec. 08.62.900. Definitions.** In this chapter

- (1) "board" means the Board of Marine Pilots;
- (2) "commissioner" means the commissioner of the Department of Commerce, Community, and Economic Development;
- (3) "department" means the Department of Commerce, Community, and Economic Development;
- (4) "knowingly" has the meaning given in AS 11.81.900(a);
- (5) "pilot" means a person licensed under this chapter as a pilot or a deputy pilot;
- (6) "vessel" means all vessels not exempt under AS 08.62.180.

**Sec. 08.62.990. Short title.** This chapter may be cited as the Alaska Marine Pilotage Act.

**CHAPTER 56.  
BOARD OF MARINE PILOTS**

**Article**

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2. **Compulsory Pilotage Waters (12 AAC 56.090 – 12 AAC 56.120)**
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**ARTICLE 1.  
LICENSING REQUIREMENTS.**

**Section**

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**12 AAC 56.011. TYPES OF LICENSES AND ENDORSEMENTS.** (a) The following licenses and endorsements are issued by the board for the geographical areas listed in 12 AAC 56.021:

(1) deputy marine pilot license – to pilot vessels of not more than 25,000 gross tons in the region for which the license is issued and limited to the geographical areas in that region for which the deputy marine pilot holds the required license endorsements;

(2) marine pilot license – to pilot vessels of any gross tons in the region for which the license is issued and limited to piloting under conditions and in the geographical areas in that region for which the marine pilot holds the required license endorsements;

(3) not more than 65,000 gross tons endorsement – authorizing a deputy marine pilot to pilot vessels of not more than 65,000 gross tons;

(4) VLCC endorsement – authorizing a marine pilot to pilot very large crude carriers (VLCC);

(5) training pilot endorsement – authorizing a marine pilot to act as a training pilot for a pilot organization in accordance with AS 08.62.097(b);

(6) *repealed 1/29/2009*;

(7) not more than 90,000 gross ton endorsement – authorizing a deputy marine pilot to pilot vessels of not more than 90,000 gross tons;

(8) *repealed 1/29/2009*.

(b) *Repealed 5/26/2007*.

(c) On January 29, 2009, a deputy marine pilot who holds a less than 60,000 gross tons endorsement will be considered to hold a not more than 65,000 gross tons endorsement and a deputy marine pilot who holds a less than 80,000 gross tons endorsement will be considered to hold a not more than 90,000 gross tons endorsement. The department will issue a new license to a deputy marine pilot that has a change in endorsement under this section reflecting the new endorsement.

(d) On January 29, 2009, experience toward an increased tonnage endorsement obtained by a deputy marine pilot while holding a less than 60,000 gross tons endorsement will be counted as experience obtained while holding a not more than 65,000 gross tons endorsement, and experience toward an increased tonnage endorsement obtained by a deputy marine pilot while holding a less than 80,000 gross tons endorsement will be counted as experience obtained while holding a not more than 90,000 gross tons endorsement.

**Authority:** AS 08.62.040 AS 08.62.097 AS 08.62.100  
AS 08.62.093

**12 AAC 56.012. DOCUMENTATION OF SERVICE.** (a) An applicant for a deputy marine pilot license may document the service required by AS 08.62.093 by submitting copies of

(1) certificates of discharge;

(2) discharge logs;

(3) pilotage service and billing forms; or

(4) letters substantiating the applicant's service or other official employment documents from marine companies signed by appropriate officials or licensed masters.

(b) All documentation submitted under (a) of this section must include the

(1) amount, nature, and dates of the applicant's service;

(2) vessel name and official numbers;

(3) routes upon which the service was acquired; and

(4) gross tonnage of the vessel and barge, if applicable.

(c) For the purposes of AS 08.62.093 and this section,

(1) "day" means the same as "day" in 46 C.F.R. 10.104;

(2) "service" means the time spent on duty on a vessel that is underway;

(3) "underway" means that a vessel is not at anchor or made fast to the shore or aground;

(4) "year" means the same as "year" in 46 C.F.R. 10.104.

**Authority:** AS 08.62.040 AS 08.62.093

**12 AAC 56.014. DEPUTY MARINE PILOT EXTENSION OF ROUTE ENDORSEMENT QUALIFICATIONS.** *Repealed 1/29/2009*.

**12 AAC 56.016. TRAINING PILOT ENDORSEMENT.** (a) To qualify for a training pilot endorsement under AS 08.62.097(b), a licensed marine pilot

(1) must hold a United States Coast Guard license as a first-class pilot of vessels of any gross tons with a federal pilotage endorsement for the waters for which a training pilot endorsement is sought, if a federal pilotage endorsement is issued for those waters;

(2) must submit evidence of compliance with the requirements of AS 08.62.120(a)(4)(A) during the license period immediately before the license period for which a training pilot endorsement is sought;

(3) must meet the following experience requirements during the period immediately before the license period for which a training pilot endorsement is sought:

(A) for a training pilot endorsement sought for the Southeastern or Southcentral Alaska Region three consecutive years of experience as a state marine pilot in the region for which a training pilot endorsement is sought.

(B) *Repealed 12/1/2002*;

(C) for a training pilot endorsement sought for the Western Alaska Region three consecutive years of experience in the Western Alaska Region;

(4) shall submit a recommendation from the pilot organization of which the applicant is a member; and

(5) must be approved by the board, after the board has considered the recommendation of the marine pilot coordinator.

(b) A training pilot is not required to accept a pilot trainee. A training pilot shall notify the marine pilot coordinator of nonacceptance of a pilot trainee.

(c) A marine pilot who holds a training pilot endorsement for the Western Alaska Region that is valid on June 16, 1996 may renew the endorsement through March 1, 1998, during regularly scheduled renewal periods, if the

marine pilot meets the requirements in (a)(1) and (a)(2) of this section; to renew the endorsement beyond March 1, 1998, the marine pilot shall meet the requirements of (a)(1), (a)(2), and (a)(3)(C) of this section.

(d) For purposes of AS 08.62.165, the term "pilot" includes a training pilot who meets the requirements of this chapter.

(e) Notwithstanding (a) – (c) of this section, to qualify for a training pilot endorsement under AS 08.62.097(b), a marine pilot who is transferring back into a region where the pilot previously held a training endorsement must meet only that region's pilot organization board approved training program requirements for returning pilots who previously held a training endorsement.

**Authority:** AS 08.62.040 AS 08.62.097 AS 08.62.165

**12 AAC 56.018. QUALIFICATIONS FOR NOT MORE THAN 65,000 GROSS TONS ENDORSEMENT.**

(a) To qualify for an endorsement to pilot vessels of not more than 65,000 gross tons, a deputy marine pilot must

- (1) meet the requirements of the regional training program approved by the board under 12 AAC 56.035 for the pilotage region where the deputy marine pilot is licensed; and

- (2) on at least 30 days have performed vessel movements as a deputy marine pilot onboard vessels requiring a state licensed marine pilot.

(b) *Repealed 1/29/2009.*

**Authority:** AS 08.62.040 AS 08.62.093

**12 AAC 56.019. QUALIFICATIONS FOR NOT MORE THAN 90,000 GROSS TONS ENDORSEMENT.**

(a) To qualify for an endorsement to pilot vessels of not more than 90,000 gross tons, a deputy marine pilot must

- (1) meet the requirements of the regional training program approved by the board under 12 AAC 56.035 for the pilotage region where the deputy marine pilot is licensed;

- (2) have held an endorsement as a deputy marine pilot for a period of at least one year; and

- (3) while holding a deputy marine pilot license of not more than 65,000 gross tons, have performed at least 60 days of vessel movements onboard vessels requiring a state licensed marine pilot.

(b) On January 29, 2009, periods of time during which a deputy marine pilot held a less than 60,000 gross tons endorsement will be counted as time while holding a not more than 65,000 gross tons endorsement.

(c) *Repealed 1/29/2009.*

**Authority:** AS 08.62.040 AS 08.62.093

**12 AAC 56.020. MEETINGS.** *Repealed 8/22/85.*

**12 AAC 56.021. PILOTAGE REGIONS.** (a) Pilotage regions for which a marine pilot license may be issued are as follows:

- (1) Southeastern Alaska Region—covering the compulsory pilotage waters of Alaska commencing at the southern border with Canada, then west to and north on 141 degrees west longitude;

- (2) Southcentral Alaska Region—covering the compulsory pilotage waters of Alaska commencing at the western boundary of the Southeastern Alaska pilotage region, then generally west to 156 degrees west longitude;

- (3) Western Alaska Region—covering the compulsory pilotage waters of Alaska commencing at the western boundary of the Southcentral pilotage region, then west, north, and east to the northern border with Canada.

- (4) *repealed 10/25/2002.*

(b) Each exemption or endorsement to a marine pilot license must be identified on the license.

**Authority:** AS 08.62.040 AS 08.62.080

**12 AAC 56.022. TRANSITION.** *Repealed 6/16/96.*

**12 AAC 56.023. QUALIFICATIONS FOR LESS THAN 100,000 GROSS TONS ENDORSEMENT.** *Repealed 1/29/2009.*

**12 AAC 56.025. APPLICATIONS.** (a) To be eligible to take the regional local knowledge examination required by 12 AC 56.026(k), an applicant shall apply on a form provided by the department at least 60 days before the date of the examination and submit

- (1) the fees applicable application and examination required in 12 AAC 02.240;

- (2) evidence that the applicant is at least 25 years of age and has not attained the age of 70;

- (3) all existing evaluations of the applicant's training in an approved training program with a recognized pilot organization; at least 10 days before the date of the licensing examination the applicant shall submit all remaining evaluations necessary to demonstrate successful completion of all applicable regional training requirements listed in 12 AAC 56.028, and a letter from a recognized pilot organization stating the applicant has completed the organization's approved training program;

(4) a full-sized certified copy of both sides of the applicant's valid United States Coast Guard license, with radar endorsement and an endorsement of first class pilotage without tonnage restrictions as required in 12 AAC 56.028 for the pilotage region in which the training occurred;

(5) *repealed 8/9/97;*

(6) the names and addresses of three United States Coast Guard licensed master mariners who may be contacted for a recommendation attesting to the applicant's professional qualifications and good moral character;

(7) documentation of the applicant's education, employment record, and other special qualifications, including, if possible, copies of discharges, certificates, and letters;

(8) on a form provided by the department, a notarized statement by the applicant whether

(A) within the five years before the application, the applicant has

(i) been convicted of a felony;

(ii) been convicted of any repeat minor offenses involving excessive use of alcohol;

(iii) had a conviction involving the possession, use, or sale of drugs; or

(iv) had a marine or motor vehicle driver's license revoked, suspended, or limited in any jurisdiction;

and

(B) the applicant is currently

(i) under investigation or subject to a disciplinary proceeding by the United States Coast Guard; or

(ii) under treatment for drug or alcohol abuse;

(9) a certificate from a testing facility that complies with the requirements adopted in 12 AAC 56.940(b) showing a negative result on a test for illegal drug use conducted within 60 days before the date of application; the testing facility must mail the drug test results directly to the marine pilot coordinator;

(10) on a form provided by the department, evidence of a satisfactory physical examination within 60 days before the date of application, demonstrating that the applicant is in all respects physically fit to perform the duties of a pilot and including an examination of eyesight, hearing, and blood pressure.

(b) *Repealed 7/26/90.*

(c) To be eligible to take the deputy marine pilot core examination required in 12 AAC 56.026(a)(3), an applicant shall apply on a form provided by the department and submit,

(1) at least 60 days before the date of the examination,

(A) the applicable application and examination fees required in 12 AAC 02.240;

(B) evidence of experience as required in

(i) AS 08.62.093(b)(1), (2), (3), (4), or (5); or

(ii) AS 08.62.093(b)(6) by enrollment in a board approved deputy marine pilot apprenticeship

program under 12 AAC 56.033;

(C) evidence that the applicant meets the requirement of AS 08.62.093(a)(1);

(2) before the examination, a full-sized certified copy of both sides of the applicant's United States Coast Guard license, demonstrating compliance with 12 AAC 56.026(a)(2).

(d) *Repealed 1/29/2009.*

(e) *Repealed 1/1/99.*

(f) An applicant for an increased tonnage endorsement under 12 AAC 56.018 or 12 AAC 56.019 shall apply on a form provided by the department and submit the applicable application fee required in 12 AAC 02.240.

(g) An apprentice applying for a deputy marine pilot license under 12 AAC 56.033(b) must meet the requirements in (a) and (c) of this section.

(h) An applicant applying for a marine pilot license under 12 AAC 56.029 shall apply on a form provided by the department and submit,

(1) the applicable application fee required in 12 AAC 02.240;

(2) evidence that the applicant meets the requirements of 12 AAC 56.029(1), (5) and (6);

(i) An application is considered complete when it satisfactorily documents that all applicable requirements for the examination, license, or endorsement have been met. The marine pilot coordinator shall review all applications submitted and approve those applications that comply with all applicable requirements. If an application is not complete by 60 days before the date of examination, the applicant may not be approved to sit for that examination.

(j) To be eligible to take the regional local knowledge examination required by 12 AAC 56.034(a)(5) or to activate a previously held marine pilot regional endorsement, an applicant shall apply on a form provided by the department at least 60 days before the date of the examination and submit

(1) the applicable application and examination fees required in 12 AAC 02.240;

(2) a full-sized certified copy of both sides of the applicant's valid United States Coast Guard license, with radar endorsement and an endorsement of first class pilotage without tonnage restrictions as required in 12 AAC 56.034(a)(1) for the pilotage region in which the training occurred;

(3) all existing evaluations of the applicant's training in an approved training program under 12 AAC 56.035(a)(3) with a recognized pilot organization; at least 10 days before the date of the regional local knowledge examination the applicant shall submit all remaining evaluations necessary to demonstrate successful completion of all applicable regional training requirements required in 12 AAC 56.035(a)(3);

(4) a letter as required by 12 AAC 56.034(b) stating that the applicant has completed the organization's approved training program as required in 12 AAC 56.035(a)(3).

**Authority:** AS 08.62.040

AS 08.62.050

**12 AAC 56.026. DEPUTY MARINE PILOT TRAINING PROGRAM.** (a) To qualify as a trainee in a deputy marine pilot training program approved under 12 AAC 56.035 a candidate must

(1) meet the requirements of AS 08.62.093(a)(1) and AS 08.62.093(b);  
(2) possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for

(A) except as provided in (B) of this paragraph, at least one area within the pilotage region in which the training will occur;

(B) training occurring in the Southeastern Alaska region, in the following federal pilotage routes as defined in the Coast Guard Southeast Alaska federal pilot requirements under 46 C.F.R. 10.705:

- (i) Revillagigedo Channel;
- (ii) Tongass Narrows South;
- (iii) Tongass Narrows North;
- (iv) Snow Passage;
- (v) Sumner Strait West;
- (vi) Frederick Sound;
- (vii) Stephens Passage South;
- (viii) Stephens Passage North;
- (ix) Gastineau Channel;
- (x) Icy Strait East and the Port of Hoonah;
- (xi) Lynn Canal;
- (xii) Icy Strait/Cross Sound;
- (xiii) Glacier Bay; and

(3) pass the deputy marine pilot core examination described in 12 AAC 56.070(e).

(b) A pilot organization shall notify the board when a candidate is accepted for training before that trainee may begin supervised training trips, including supervised dockings, undockings, moorings, unmoorings, and transits of specific waterways required as part of the training program.

(c) All vessel maneuvers performed by a trainee in a training program must be supervised by a state licensed marine pilot who holds a valid training pilot endorsement for the region in which the maneuvers are performed. A trainee may not control the movements of a vessel subject to AS 08.62 until the trainee has met the requirements of (a) of this section. A trainee must be under the direct supervision of a training pilot who has full responsibility for the trainee at all times during vessel maneuvers.

(d) Maneuvers must be made on vessels subject to AS 08.62 that are of the gross tonnage specified in the training program or on vessels under enrollment of not less than 1,600 gross tons if no gross tonnage is specified in the training program.

(e) A trainee may conduct maneuvers only in an area for which the trainee holds an endorsement of first class pilotage without tonnage restrictions on the trainee's United States Coast Guard license. The trainee shall complete all maneuvers at the locations designated and in accordance with the requirements of the regional training program approved by the board under 12 AAC 56.035 for the pilotage region in which the training is to occur, within three years after initial acceptance into the training program. The board will approve an extension of this time requirement if the trainee demonstrates to the board's satisfaction that there are insufficient ships or training pilots available to complete the training program within the three years.

(f) The trainee shall give a briefing of the planned maneuver to the training pilot before the maneuver. The training pilot shall provide the trainee with a written evaluation on a form included in the regional training program approved by the board under 12 AAC 56.035 at the completion of the maneuver. The training pilot shall clearly state on the evaluation form whether the maneuver was satisfactory and whether it will count towards meeting licensing requirements.

(g) Each quarter, a trainee shall submit to the marine pilot coordinator a copy of each evaluation form received. The trainee and training pilot shall keep a copy of each evaluation in a training log.

(h) The pilot organization or its training committee, if any, shall give a written explanation of deficiencies to a trainee who is not progressing satisfactorily and shall include suggestions to remedy those deficiencies. The pilot organization shall place a copy of this evaluation in the trainee's file.

(i) The board or the marine pilot coordinator will approve a candidate to take the deputy marine pilot core examination required in (a)(3) of this section if the applicant meets the requirements of (a)(1) and (a)(2) of this section and the application requirements of 12 AAC 56.025(c). The board or the marine pilot coordinator will approve a trainee to take the deputy marine pilot regional local knowledge examination required in (k) of this section if the board or the marine pilot coordinator determines that the trainee has satisfactorily completed the training requirements of this chapter and has complied with the application requirements of 12 AAC 56.025(a).

(j) A pilot organization shall notify the board when a candidate is accepted as a pilot observer for the purpose of completing familiarization trips necessary to obtain the candidate's United States Coast Guard license endorsement of first class pilotage without tonnage restrictions required in (a)(2) of this section. To qualify as a pilot observer, a candidate must meet the requirements of (a)(1) of this section or be enrolled in a board approved deputy marine pilot apprenticeship program under AS 08.62.093(b)(6).

(k) Following the completion of the applicable training program, a trainee must pass the regional local knowledge examination and the oral examination described in 12 AAC 56.070(d) and (f).

**12 AAC 56.027. SUPERVISED MOVEMENTS.** (a) All supervised movements required to be done by an applicant for licensure under this chapter must have been

(1) executed while the applicant possessed a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the area in which the movement was done;

(2) executed while the applicant held at least a United States Coast Guard license as master of steam or motor vessels of not more than 1,600 gross tons;

(3) executed within the three years before the date of application;

(4) completed with no more than 40 percent of the dockings and 40 percent of the undockings made under the supervision of the same training pilot; and

(5) certified by the supervising training pilot as having been satisfactory and must have included a full briefing and debriefing by the supervising pilot; the applicant shall submit to the board documentation of all supervised vessel movements on an evaluation form included in the regional training program approved by the board under 12 AAC 56.035.

(b) A licensee holding a limited pilot license may not supervise the movements required by 12 AAC 56.028.

(c) *Repealed 1/29/2009.*

(d) *Repealed 1/29/2009.*

(e) *Repealed 7/15/95.*

(f) *Repealed 7/15/95.*

**12 AAC 56.028. REGIONAL REQUIREMENTS FOR DEPUTY MARINE PILOT LICENSE.** (a) Southeastern Alaska Region – An applicant for a deputy marine pilot license in the Southeastern Alaska Region must possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the region as specified in the regional training program approved by the board under 12 AAC 56.035. An applicant shall meet the following training requirements:

(1) completion of supervised movements performed on vessels subject to AS 08.62 or other vessels of at least 1,600 gross tons as follows:

(A) Ketchikan – eight dockings and eight undockings at cruise ship piers;

(B) Skagway – eight dockings and eight undockings;

(C) Juneau Harbor – eight dockings and eight undockings; three of the undockings must be performed at night;

(D) in addition to the other dockings and undockings required under (A) – (C) of this paragraph, 10 dockings and 10 undockings performed at any combination of ports in the region not listed in (A) – (C) of this paragraph; performed in accordance with the regional training program approved by the board under 12 AAC 56.035, except that no more than four dockings and four undockings may be performed at any one port; not more than three dockings and three undockings performed in a board approved simulator may be substituted for dockings and undockings at the physical site;

(E) at least one mooring and one unmooring for each active port in the Southeastern Alaska Region as provided in the regional training program approved by the board under 12 AAC 56.035; not more than three moorings and three unmoorings performed in a board approved simulator may be substituted for moorings or unmoorings at the physical site;

(F) eight anchorings with at least one at each of the following ports:

(i) Ketchikan Harbor;

(ii) Juneau Harbor;

(iii) Sitka Eastern Harbor;

(2) deputy marine pilot observer trips as required in 12 AAC 56.068;

(3) in accordance with the regional training program approved by the board under 12 AAC 56.035, not less than 20 supervised transits at the conn through the following waterways, with no more than two transits in any one waterway:

(A) Saginaw Channel;

(B) Favorite Channel;

(C) Decision Passage;

(D) North Inian Passage;

(E) Snow Passage;

(F) Revillagigedo Channel;

(G) Tongass Narrows;

(H) Disenchantment Bay;

(I) Glacier Bay, including from Young Island to Willoughby Island, Tarr Inlet, and John Hopkins Inlet to

Jaw Point;

(J) Tracy Arm;

(K) Sitka from sea;

(L) Gastineau Channel;

(4) successful completion of a bridge resource management course of at least 16 hours that meets the requirements determined by the board based on standards established by the American Pilot's Association or the United States Coast Guard, and either a

(A) bridge simulator course that is region specific or emphasizes a pilot's proficiency; or

(B) manned model course;

(5) port-specific training by simulator as required in the regional training program approved by the board under 12 AAC 56.035.

(b) Southcentral Alaska Region – An applicant for a deputy marine pilot license in the Southcentral Alaska Region must possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the region as specified in the regional training program approved by the board under 12 AAC 56.035. The applicant shall meet the following training requirements:

(1) at least 100 supervised movements, performed throughout the region, with training in all currently active ports, as specified in the regional training program approved by the board under 12 AAC 56.035, and including

(A) Nikiski – 18 dockings and 18 undockings under the supervision of at least three different training pilots, including

(i) four dockings and four undockings performed within the period beginning October 1 and ending April 1;

(ii) four dockings and four undockings performed under ice conditions; and

(iii) four dockings performed while dredging an anchor;

(B) Anchorage – seven dockings and seven undockings under the supervision of at least two different training pilots, including

(i) two dockings and two undockings performed under ice conditions;

(ii) two dockings and two undockings performed on vessels in excess of 10,000 gross tons; and

(iii) two dockings and two undockings performed with tug assistance;

(2) successful completion of a bridge resource management course of at least 16 hours that meets the requirements determined by the board based on standards established by the American Pilot's Association or the United States Coast Guard, and either

(A) a bridge simulator course that is region specific or emphasizes a pilot's proficiency; or

(B) a manned model course;

(3) port-specific training by simulator as required by the regional training program approved by the board under 12 AAC 56.035.

(c) Western Alaska Region – An applicant for a deputy marine pilot license in the Western Alaska Region must possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the region as specified in the regional training program approved by the board in 12 AAC 56.035. An applicant shall meet the requirements for supervised movements in the regional training program approved by the board, including

(1) completion of 90 supervised movements in active ports throughout the region, including

(A) Dutch Harbor/Captains Bay – 25 dockings and 25 undockings as follows:

(i) 10 of the dockings and 10 of the undockings must be performed within the period beginning October 1 and ending April 1;

(ii) 10 of the dockings and 10 of the undockings must be performed at night;

(iii) no more than 40 percent of the dockings and 40 percent of the undockings may be made under the supervision of the same training pilot;

(iv) a minimum of 10 dockings and 10 undockings in Dutch Harbor;

(B) in addition to the dockings and undockings required under (A) of this paragraph, 10 dockings and 10 undockings performed at any combination of outports within the region in accordance with the regional training program approved by the board;

(2) successful completion of a bridge resource management course of at least 16 hours that provides the principles and practices of bridge management and meets the requirements determined by the board based on standards established by the American Pilot's Association.

(d) *Repealed 12/1/2002.*

(e) Due to fluctuating marine traffic patterns, a training requirement specified in this section may be unobtainable from time to time. A trainee who has otherwise completed all of the training requirements specified in this section, may request the marine pilot coordinator to review the availability of vessel traffic to meet specific training requirements that the trainee believes are unobtainable. The request for review must be in writing and accompanied by documentation that demonstrates the completion of all other training requirements. The marine pilot coordinator shall forward the results of the review to the board. The board will, in its discretion, grant a waiver of the training according to the provisions of this section.

(f) Upon receipt of a request to review a particular training requirement, the marine pilot coordinator will review the vessel traffic of the area in question to determine whether during the preceding 12 months, the vessel traffic fell below the total number of movements necessary to meet that requirement.

(g) If the request for review concerns a training requirement specified in this section that is comprised of a list of alternatives from which a composite training requirement must be met, the marine pilot coordinator will review the vessel traffic in all the alternatives involved to determine whether during the preceding 12 months the vessel traffic among those alternatives fell below the total number of movements required for that training.

(h) If the board determines that during the preceding 12 months, insufficient vessel traffic existed for the completion of the training requirement, the specific requirement in this section is waived and the trainee shall make up the waived requirement by performing the same number and type of required maneuvers at another location in the applicable region. The location of the substituted maneuvers must be one already identified in this section for the same type of training.

(i) If a requirement for which vessel traffic has been determined to be inadequate subsequently becomes viable, the board shall inform any trainees affected, that all remaining maneuvers for that requirement, not already substituted, must be completed in the area specified by regulation.

**Authority:** AS 08.62.040 AS 08.62.097

*Editor's note: Information on the bridge resource management courses described in 12 AAC 56.028 may be obtained by contacting the American Pilot's Association, Inc., 499 South Capitol St., Suite 409, Washington, DC 20003, (202) 484-0700.*

**12 AAC 56.029. GENERAL REQUIREMENTS FOR MARINE PILOT LICENSE.** To qualify for a marine pilot license under AS 08.62.100(a), an applicant must

- (1) possess a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the entire region for which a marine pilot license is sought;
- (2) show that the applicant has held a valid deputy marine pilot license in Alaska for a minimum of three calendar years while remaining eligible for license renewal during this period of service without use of familiarization trips under AS 08.62.120;
- (3) *repealed 10/25/2002*;
- (4) possess a valid deputy marine pilot license without geographical exclusions in the region for which the marine pilot license is sought;
- (5) have completed a manned ship model course or a simulator course approved by the board within the three years before the date of application for a marine pilot license;
- (6) satisfy the regional experience requirements established in 12 AAC 56.031 for the region for which the marine pilot license is sought;
- (7) satisfy all additional licensure requirements established by the board in this chapter, including a passing grade on written and oral examinations required by the board in 12 AAC 56.070;
- (8) be a citizen of the United States;
- (9) show that the applicant has held a valid deputy marine pilot endorsement to pilot vessels of not more than 90,000 gross tons.

**Authority:** AS 08.62.040 AS 08.62.100

**12 AAC 56.030. QUALIFICATIONS FOR UNLIMITED PILOT LICENSE.** *(Deleted) Repealed January 1, 1999.*

**12 AAC 56.031. REGIONAL REQUIREMENTS FOR MARINE PILOT LICENSE.** (a) Southeastern Alaska Region – An applicant for a marine pilot license in the Southeastern Alaska Region must complete the requirements of the training program for that region approved by the board under 12 AAC 56.035, including the following requirements:

- (1) while holding a deputy marine pilot endorsement to pilot vessels of not more than 90,000 gross tons, complete at least 60 days of vessel movements on board vessels requiring a state licensed marine pilot, including three assessed dockings, three assessed undockings, and three assessed transits on vessels of 60,000 gross tons or greater; no more than 40 percent of the dockings and undockings may be assessed by the same training pilot; an assessment required under this paragraph is a pass/fail evaluation, conducted by a training pilot, of an unassisted, supervised movement documented on a form included in the regional training program approved by the board under 12 AAC 56.035;
- (2) pilot observer trips as required by 12 AAC 56.068.

(b) Southcentral Alaska Region – An applicant for a marine pilot license in the Southcentral Alaska Region must complete the requirements of the training program for that region approved by the board under 12 AAC 56.035, including the following requirements:

- (1) while holding an endorsement to pilot vessels of not more than 90,000 gross tons, complete a total of 20 supervised dockings and 20 supervised undockings at the available operational berths at the Alyeska Terminal; the dockings and undockings at the Alyeska Terminal must include four dockings and four undockings at night; at least half of the dockings and undockings must be performed within the period beginning October 1 and ending April 1;
- (2) the applicant must have held a valid deputy marine pilot endorsement to pilot vessels of not more than 90,000 gross tons for at least one year.

(c) Western Alaska Region – An applicant for a marine pilot license in the Western Alaska Region must complete the requirements of the training program for that region approved by the board under 12 AAC 56.035, including the following requirements:

- (1) completion of 200 vessel movements in ports throughout the region, 100 of which must be either dockings or undockings;
- (2) completion of a simulator or manned model course approved by the board; and
- (3) the applicant must have held a valid deputy marine pilot endorsement to pilot vessels of not more than 90,000 gross tons for at least one year.

**Authority:** AS 08.62.040 AS 08.62.100

**12 AAC 56.032. DISMISSAL OF A TRAINEE FROM A DEPUTY MARINE PILOT TRAINING PROGRAM.** (a) If a pilot organization dismisses a trainee from its training program, the dismissal procedure used must be consistent with the pilot organization bylaws, including provisions related to uniform and nondiscriminatory treatment, and must give due process.

(b) A pilot organization shall notify the board within 30 days of the dismissal of a trainee from its training program.

**Authority:** AS 08.62.040 AS 08.62.097 AS 08.62.100

**12 AAC 56.033. DEPUTY MARINE PILOT APPRENTICESHIP PROGRAM.** (a) To be approved by the board, a deputy marine pilot apprenticeship program must

(1) promote comprehensive pilot development through a program of intensive observation and instruction under the supervision of state licensed marine pilots;

(2) be open to all individuals who meet the application approval and candidate selection criteria adopted in the pilot organization's articles and bylaws;

(3) provide for the individual training needs of the apprentice considering the apprentice's background, maritime experience, and progress in the deputy marine pilot apprenticeship program; and

(4) promote individual career development through access to maritime training, education, and associated employment opportunities.

(b) The board will issue a deputy marine pilot license to an apprentice who

(1) meets the requirements of AS 08.62.093(a)(1);

(2) has completed a minimum of four years of training as an apprentice in a deputy marine pilot apprenticeship program approved under this section in the pilotage region for which the deputy marine pilot license is sought;

(3) meets the application requirements in 12 AAC 56.025;

(4) has passed the written and oral examinations required under 12 AAC 56.070; and

(5) *repealed 1/29/2009*;

(6) has completed the training requirements specified in a regional training program approved by the board under 12 AAC 56.035.

(c) An applicant accepted in an apprenticeship program established under this chapter may not begin the supervised vessel movements required under 12 AAC 56.028 before the apprentice

(1) has completed 12 months of apprenticeship training;

(2) has passed the deputy marine pilot core examination required by the board under 12 AAC 56.070;

(3) holds at least a United States Coast Guard license as master of steam or motor vessels of not more than 1,600 gross tons; and

(4) holds a valid United States Coast Guard license with an endorsement of first class pilotage without tonnage restrictions for the areas in which the vessel movements will occur.

(d) The board will not approve an apprenticeship program unless a pilot organization agrees to notify the board when an individual is accepted into a deputy marine pilot apprenticeship program. An individual accepted into that program may not begin supervised observer, familiarization, or training trips, including supervised dockings, undockings, moorings, unmoorings, and transits of specific waterways required as part of the deputy marine pilot apprenticeship program, until the notice has been provided in accordance with this section.

(e) The board will not approve an apprenticeship program unless the pilot organization or its training committee, if any, agrees to give a written explanation of deficiencies to an apprentice who is not progressing satisfactorily, including suggestions to remedy the apprentice's deficiencies, and to place a copy of the evaluation in the apprentice's training file and provide a copy to the marine pilot coordinator.

(f) Enrollment in an apprenticeship program does not prevent the apprentice from applying for licensure as a deputy marine pilot under AS 08.62.093(b)(1) - (5) and applicable regulations.

**Authority:** AS 08.62.040 AS 08.62.097 AS 08.62.175  
AS 08.62.093

**12 AAC 56.034. QUALIFICATIONS TO TRANSFER A MARINE PILOT LICENSE TO A DIFFERENT PILOTAGE REGION WITHIN THE STATE.** (a) A marine pilot seeking to qualify to transfer the marine pilot's license to a different pilotage region within the state must

(1) possess a valid United States Coast Guard license, with radar endorsement and an endorsement of first class pilotage without tonnage restrictions for the entire pilotage region in which licensure is desired, except as

provided in 12 AAC 56.028(a) for the Southeastern Alaska Region and 12 AAC 56.028(c) for the Western Alaska Region;

- (2) possess a valid marine pilot license issued under AS 08.62 and this chapter;
- (3) complete the requirements of the training program specified in 12 AAC 56.035(a)(3) for the pilotage region in which the applicant will transfer;
- (4) comply with the application requirements of 12 AAC 56.025(j); and
- (5) pass the regional local knowledge examination described in 12 AAC 56.070(f) for the pilotage region in which the applicant will transfer.

(b) Before a marine pilot may qualify to take the regional local knowledge examination described in 12 AAC 56.070(f) for the region in which the applicant will transfer, the recognized pilot organization that provided the training must submit to the department a letter stating that the applicant has completed the organization's approved training program described in 12 AAC 56.035(a)(3).

**Authority:** AS 08.62.040 AS 08.62.080

**12 AAC 56.035. APPROVAL OF PILOT ORGANIZATION TRAINING OR APPRENTICESHIP PROGRAMS.** (a) Each pilot organization shall submit a training program proposal to the board for approval. A training program must provide for the training of

- (1) candidates for a deputy marine pilot license;
- (2) deputy marine pilots upgrading their licenses to marine pilot licenses; and
- (3) marine pilots transferring into the pilotage region from another pilotage region within the state.

(b) To be approved by the board, a pilot training or apprenticeship program must meet or exceed the applicable requirements of 12 AAC 56.026, 12 AAC 56.027, 12 AAC 56.028, 12 AAC 56.029, 12 AAC 56.031, 12 AAC 56.032, 12 AAC 56.033, and 12 AAC 56.068.

(c) An approved training program must prepare a trainee to demonstrate a minimum level of knowledge of the state oil pollution prevention requirements in 18 AAC 75.

(d) The Department of Environmental Conservation may review the training program of pilots engaged in piloting tank vessels.

**Authority:** AS 08.62.040 AS 08.62.097 AS 08.62.100

**12 AAC 56.036. DEFINITIONS RELATED TO TRAINING AND APPRENTICESHIP PROGRAMS.**  
*Repealed 1/23/99.*

**12 AAC 56.037. CONN REQUIREMENTS FOR TRAINING.** The following training requirements must be accomplished while the trainee is at the conn:

- (1) anchorings;
- (2) dockings;
- (3) moorings;
- (4) undockings;
- (5) unmoorings; and
- (6) weighing anchor.

**Authority:** AS 08.62.040 AS 08.62.097 AS 08.62.100

**12 AAC 56.040. QUALIFICATIONS FOR LIMITED PILOT LICENSE.** *(Deleted) Repealed January 1, 1999.*

**12 AAC 56.045. QUALIFICATIONS FOR INCREASED TONNAGE.** *(Deleted) Repealed January 1, 1999.*

**12 AAC 56.050. QUALIFICATIONS FOR CHANNEL PILOT LICENSE.** *Repealed 10/2/93.*

**12 AAC 56.053. QUALIFICATION FOR EXTENSION OF ROUTE ENDORSEMENT.** *Repealed 10/2/93.*

**12 AAC 56.055. LICENSING AREAS.** *Renumbered as 12 AAC 56.021, 7/26/90.*

**12 AAC 56.060. QUALIFICATIONS FOR TEMPORARY LICENSE.** *Repealed 10/2/93.*

**12 AAC 56.068. OBSERVER TRIP REQUIREMENTS.** (a) Pilot observer trips are required for areas that are not specifically tested for by the United States Coast Guard and those areas identified in a regional training program approved by the board under 12 AAC 56.035 where the difficulty of the route or the volume of shipping makes additional observation trips necessary to adequately judge a pilot's competency in that area. All observer trips required under this section must be completed on vessels equipped with working radar, fathometer, and compass.

(b) An applicant for a deputy marine pilot license in the Southcentral Alaska Region must make an observer trip in each of the geographical areas required in the regional training program approved by the board under 12 AAC 56.035 for that region.

(c) An applicant for a marine pilot license in the Southeastern Alaska Region must make an observer trip in each of the geographical areas required in the regional training program approved by the board under 12 AAC 56.035 for that region.

**Authority:** AS 08.62.040 AS 08.62.097 AS 08.62.100

**12 AAC 56.070. EXAMINATIONS.** (a) The examinations required by 12 AAC 56.014(a)(2), 12 AAC 56.026(a)(3), 12 AAC 56.026(k), 12 AAC 56.033(c), and 12 AAC 56.085(b)(3) for a license or endorsement will be offered at least once a year at a meeting of the board.

(b) Both the written and the oral examination will cover the following topics:

- (1) international rules of the road;
- (2) seamanship, including shiphandling underway, docking and undocking, including use of tugs and anchors, and emergency procedures;
- (3) pilot safety and state pollution regulations;
- (4) rules and regulations, including all federal and state statutes and regulations, affecting the piloting of vessels in compulsory pilotage waters of Alaska;
- (5) pilot responsibilities, including duties of a pilot, relationship between master and pilot, practical operation of marine radar including plotting, and engine order and rudder commands for U.S. merchant vessels, U.S. naval vessels, and foreign merchant vessels; and
- (6) local knowledge of individual geographical areas, including routes from sea to port and port to port, change of course points and distances passed abeam, names and locations of landmarks, waterways and aids to navigation, tides and currents, weather, restricted areas and explosive anchorages, dredged channels, cable areas, and other anchorages, docks, and dangers.

(c) The applicant must pass the core examination with a score of at least 75 before the applicant may take the local knowledge examination. The applicant will be tested on local knowledge of individual geographical areas under (b)(6) of this section for the region where the applicant seeks licensure, and must pass the examination with a score of at least 85 percent. An applicant may take the oral examination after the applicant has passed the written examination.

(d) In addition to the other topics listed in this section, an applicant for licensure will be orally examined by the board on the

- (1) information provided with the license application;
- (2) the applicant's conduct as a mariner; and
- (3) the applicant's past safety record as a mariner.

(e) The deputy marine pilot core examination required in 12 AAC 56.026(a)(3) consists of a written examination that covers the topics listed in (b)(1) - (5) of this section. The core examination may be administered and scored by the marine pilot coordinator. If the marine pilot coordinator administers the core examination, it will be given on a date and time to be determined by the marine pilot coordinator, after consultation with the applicant. If an applicant fails the deputy marine pilot core examination, the applicant may not retake the core examination for at least 60 days.

(f) The regional local knowledge examination required in 12 AAC 56.026(k) consists of a written examination that covers the topics listed in (b)(6) of this section for the entire applicable pilotage region.

(g) *Repealed 1/29/2009.*

**Authority:** AS 08.62.040 AS 08.62.050

**12 AAC 56.075. WAIVER OF LICENSE QUALIFICATION REQUIREMENTS.** *Repealed 10/2/93.*

**12 AAC 56.080. BIENNIAL LICENSE RENEWAL.** (a) Deputy marine pilot and marine pilot licenses expire on December 31 of even numbered years.

(b) To renew a marine pilot license, a marine pilot shall submit

- (1) a completed renewal application on a form provided by the department; the application must demonstrate that the applicant meets the requirements of AS 08.62.120, including compliance with (c) of this section;
- (2) on a form provided by the department, verification of a physical examination of the marine pilot conducted by a licensed physician within 60 days before the date of license renewal, including an examination of the marine pilot's eyesight, hearing, and blood pressure, confirming that the marine pilot is physically fit to perform the duties of a marine pilot;
- (3) verification that the marine pilot participates in a federal or state approved random drug testing program as specified in 12 AAC 56.940(b);
- (4) the biennial license renewal fee established in 12 AAC 02.240;
- (5) a current copy of the marine pilot's valid Coast Guard license of not less than 1,600 gross tons with an endorsement of first class pilotage for the pilotage region where the marine pilot holds a license; and
- (6) verification that the marine pilot has met the continuing education requirements of 12 AAC 56.083.

- (c) To meet the requirements of AS 08.62.120(a)(4), an applicant for license renewal shall
  - (1) document the piloting experience required in AS 08.62.120(a)(4)(A); or
  - (2) document having completed within one year immediately preceding the date of application for renewal the familiarization trips required in 12 AAC 56.082 in the region for which renewal is sought.
- (d) For the purpose of fulfilling the requirements of (c) of this section, no more than one day's credit for piloting will be given in any one calendar day, and each day's credit must involve a vessel movement.
- (e) To renew a deputy marine pilot license, a deputy marine pilot must meet the requirements of (b) and (c) of this section, except that the deputy marine pilot must meet the requirements of (c) of this section for each complete calendar year that the deputy marine pilot held a deputy marine pilot license.
- (f) *Repealed 1/29/2009.*
- (g) For a biennial license renewal period that begins on or after January 1, 2011, a marine pilot or deputy marine pilot who is, or will become, 65 years of age or older by the first day of the biennial license period must successfully complete a board-approved physical agility and cognitive test for the biennial license period for which renewal is sought.
- (h) A marine pilot who transfers to a different region during the concluding licensing period must meet the requirements of (c) of this section for each complete calendar year that the license has been held in the region during the concluding licensing period.

**Authority:** AS 08.62.040 AS 08.62.100 AS 08.62.120

**12 AAC 56.082. FAMILIARIZATION TRIPS.** (a) To fulfill the familiarization trip requirements of 12 AAC 56.080(c)(2) in the Southeastern Alaska Region, a pilot shall perform

(1) on vessels of 1,000 gross tons or tug and tows exceeding 1,000 combined gross tons that are not subject to AS 08.62, at least four round trips between Ketchikan and Skagway, including two trips through Peril Straits and four trips through Wrangell Narrows; and

(2) on vessels of 1,000 gross tons or more, one round trip or two one-way trips

- (A) through Snow Pass;
- (B) through Decision Pass;
- (C) through North Inian Pass;
- (D) in Sitka Eastern Channel;
- (E) in Gastineau Channel;
- (F) over Tracy Arm Bar; and
- (G) into Glacier Bay;
- (H) *repealed 1/29/2009.*

(b) To fulfill the familiarization trip requirements of 12 AAC 56.080(c)(2) in the Southcentral Alaska Region, a pilot shall

(1) provide proof of a combination of 60 days

- (A) working as a master or pilot on an enrolled vessel or as a pilot on a vessel subject to AS 08.62; and
- (B) as an observer on an enrolled vessel or vessel subject to AS 08.62;

(2) successfully perform five dockings and five undockings at Nikiski or Anchorage; one docking and undocking must be performed under ice conditions; and

(3) for a pilot with a VLCC endorsement, successfully perform five dockings and five undockings on VLCC vessels.

(c) To fulfill the familiarization trip requirement of 12 AAC 56.080(c)(2) in the Western Alaska Region, a pilot shall

(1) provide proof of a combination of 60 days piloting a vessel subject to AS 08.62 and familiarization trips; the combination must include at least 20 dockings in five different ports; no more than one half of the familiarization trips or dockings may occur in any one port, and the remainder must occur in four additional ports; Dutch Harbor and Captain's Bay are considered as one port for the purposes of this paragraph; or

(2) provide proof of at least 60 familiarization trips on a vessel subject to AS 08.62, a tug and tow of 1,000 gross tons combined, or an enrolled vessel of 1,000 gross tons or more, except fishing vessels as defined in 12 AAC 56.990, as follows:

- (A) 20 trips in Dutch Harbor;
- (B) three trips through Iliuliuk Channel;
- (C) five trips to Captain's Bay;
- (D) 12 trips in any combination to Akutan, King Cove, Sand Point, or Chignik;
- (E) one trip to Cold Bay;
- (F) three trips to Naknek;
- (G) two trips to Togiak;
- (H) two trips to Port Moller; and
- (I) twelve additional trips to any combination of ports in (D) – (H) of this paragraph.

(d) *Repealed 12/1/2002.*

(e) In this section, "trip" means a one-way trip or transit.

**Authority:** AS 08.62.040 AS 08.62.120

**12 AAC 56.083. CONTINUING EDUCATION REQUIREMENTS.** (a) *Repealed 5/31/2000.*

(b) A marine pilot with a VLCC endorsement applying for license renewal for a license period that begins on or after January 1, 2001, shall document that the marine pilot has satisfactorily completed a manned model course during one of the three biennial license periods immediately preceding the license period for which renewal is sought.

(c) *Repealed 5/26/2007.*

(d) *Repealed 7/15/2006.*

(e) A marine pilot or deputy marine pilot applying for license renewal for a license period that begins on or after January 1, 2008, shall document that the pilot has satisfactorily completed a board approved simulator or manned model course at a board approved facility within one of the three biennial license periods immediately preceding the license period for which renewal is sought.

(f) A marine pilot or deputy marine pilot applying for license renewal for a licensing period that begins on or after January 1, 2008, shall document that the pilot has satisfactorily completed continuing education as required in a board approved regional training program.

**Authority:** AS 08.62.040 AS 08.62.100 AS 08.62.120

**12 AAC 56.085. LAPSED LICENSES.** (a) To reinstate a deputy marine pilot or marine pilot license that has been lapsed for more than 60 days but less than one year, an applicant shall meet the requirements of 12 AAC 56.080 and pay the fees required in 12 AAC 02.105 and 12 AAC 02.240.

(b) Except as provided in (c) of this section, to reinstate a deputy marine pilot or marine pilot license that has been lapsed for one year or more, an applicant shall

(1) meet the requirements of 12 AAC 56.080;

(2) pay the fees required in 12 AAC 02.105 and 12 AAC 02.240; and

(3) take and pass the written and oral examinations required in 12 AAC 56.070 for the region where the applicant previously held a license.

(c) In accordance with AS 08.01.100(d), a deputy marine pilot license that has been lapsed for five years or more may not be reinstated. A person whose deputy marine pilot license has been lapsed for five years or more may reapply for a new deputy marine pilot license and shall meet the requirements of a new applicant.

**Authority:** AS 08.01.100 AS 08.62.120 AS 08.62.130  
AS 08.62.040

**ARTICLE 2.  
COMPULSORY PILOTAGE WATERS.**

**Section**

- 090. General rule for determining boundaries of the compulsory pilotage waters of Alaska**
- 100. Established boundaries of compulsory pilotage waters of Alaska**
- 110. Exclusions for entering compulsory pilotage waters of Alaska**
- 115. Pleasure craft exemptions**
- 120. Pilot stations or pickup points**

**12 AAC 56.090. GENERAL RULE FOR DETERMINING BOUNDARIES OF THE COMPULSORY PILOTAGE WATERS OF ALASKA.** (a) Pilotage is compulsory in the inland and coastal waters of and adjacent to Alaska as described in this section and 12 AAC 56.100.

(b) Pilotage is compulsory at all entrances from seaward to Alaska bays, sounds, rivers, straits, inlets, harbors, ports, or other estuaries where the passage is within three nautical miles of the state's coastline for which specific boundaries are not otherwise described in 12 AAC 56.100. The extent of waters subject to compulsory pilotage in such Alaska bays, sounds, rivers, straits, inlets, harbors, ports, or other estuaries within three nautical miles of the state's coastline are those waters in-shore of a line drawn approximately parallel with the general trend of the shore through the outermost aid to navigation, or if no aid to navigation exists, then a line drawn from headland to headland across the mouth of the entrance.

**Authority:** AS 08.62.040 AS 08.62.160

**12 AAC 56.100. ESTABLISHED BOUNDARIES OF COMPULSORY PILOTAGE WATERS OF ALASKA.** Specific boundaries of the compulsory pilotage waters of Alaska are as follows:

(1) all waters inside a line drawn from Cape Spencer Light due south to a point of intersection which is due west of the southern extremity of Cape Cross; then to Cape Edgecumbe Light; then through Cape Bartolome Light and extended to a point of intersection which is due west of Cape Muzon Light; then due east to Cape Muzon Light; then to a point which is one mile, 180° true, from Cape Chacon Light; then to Barren Island Light; then to Lord Rock Light; then to the southern extremity of Garnet Point, Kanagunut Island; then to the southeastern extremity of

Island Point, Sitklan Island; then from the northeastern extremity of Point Mansfield, Sitklan Island, 40° true, to the mainland;

(2) all waters of Prince William Sound and environs inside a line drawn from Cape Puget to Point Elrington; then to Cape Cleare; then Zaikof Point to Cape Hinchinbrook Light; then Point Bentinck to Okalee Spit;

(3) all waters of Resurrection Bay inside a line extending from the southern tip of Aialik Cape to the southern tip of Cape Resurrection;

(4) all waters of Cook Inlet inside a line extending from Cape Douglas to the western tip of Perl Island then northward to the shoreline of the Kenai Peninsula;

(5) all waters of Chiniak Bay inside a line extending from Cape Chiniak to the eastern tip of Long Island then to Spruce Cape;

(6) all waters of Marmot Bay and environs including eastern approaches, inside a line extending from Spruce Cape to the southern tip of Pillar Cape and western approaches, inside a line extending from Cape Nuniliak to the northern tip of Raspberry Island and also inside a line extending from Raspberry Cape to Miners Point;

(7) all waters of Chignik Bay inside a line extending from the eastern tip of Castle Cape to the western tip of Nakchamik Island then to the eastern tip of Cape Kumliun;

(8) all waters of Unalaska Bay inside a line extending from the tip of the west headland of Constantine Bay to Eider Point;

(9) all waters of Port Moller and Herendeen Bay inside a line extending from Lagoon Point to Cape Kutuzof;

(10) all waters of Bristol Bay inside a line extending from Cape Newenham to Cape Pierce, then to Cape Constantine, then to the southern extremity of Egegik Bay;

(11) all waters of Kuskokwim Bay inside a line extending from Cape Newenham to Cape Avinof;

(12) all waters of Norton Sound inside a line extending from the western tip of Stuart Island to Cape Darby, then to Cape Nome;

(13) all waters of Port Clarence inside a line extending from Pt. Spencer Lt. North to the Seward Peninsula shore;

(14) all waters of the Chukchi Sea and Kotzebue Sound inside a line extending from Cape Prince of Wales three miles due west (270° true) to a point approximately 65° 38' north latitude, 168° 15' west longitude; then due north (0° true) to a point approximately 66° 27' north latitude, 168° 15' west longitude; then 59° true to a point approximately 66° 45' north latitude, 167° 02' west longitude; then due east (90° true) to a point approximately 12 miles off the coast of Cape Espenberg at the intersection with a line drawn from Cape Espenberg to Cape Krusenstern, approximate position 66° 45' north latitude, 163° 40' west longitude; then to Cape Krusenstern; then to Point Hope;

(15) all waters surrounding the Pribilof Islands of St. Paul and St. George from the shoreline seaward to the outer limit of the three-mile territorial seas;

(16) all waters surrounding the Bering Sea Islands from shoreward to the outer limit of the three-mile territorial seas, including St. Lawrence Island, Nunivak Island, St. Matthew Island, and Little Diomed Island;

(17) all waters encompassing the Aleutian Islands from the shoreline to the outer limit of the three-mile territorial seas, including any and all islands around the Fox Islands, Rat Islands, Near Islands, Andreanof Islands, and the Islands of Four Mountains;

(18) all waters encompassing the south coast of the Alaska Peninsula from Cape Kanatak (Portage Bay) to Cape Pankof to the outer limit of the three-mile territorial seas, including any and all islands around the Shumagin Islands, Semedi Islands, Pavlof Islands, Sutwik Island, Sanak Island, and the Sandman Reefs;

(19) all waters of the north coast of the Alaska Peninsula from Cape Krenzin to the southern extremity of Egegik Bay to the outer limit of the three-mile territorial seas, including Amak Island and Sea Lion Rocks.

**Authority:** AS 08.62.040 AS 08.62.160

#### **12 AAC 56.110. EXCLUSIONS FOR ENTERING COMPULSORY PILOTAGE WATERS OF ALASKA.**

Vessels are excluded from the use of a state licensed marine pilot in compulsory pilotage waters when proceeding directly between points outside Alaska and an established pilot station for the express purpose of embarking or disembarking a pilot in the following situations:

(1) travel via Revillagigedo Channel to Twin Islands Pilot Station; in transiting Revillagigedo Channel, ships must stay west of longitude 131°05';

(2) travel via Clarence Strait to the following:

(A) Guard Island Pilot Station;

(B) Point McCartey Pilot Station;

(C) Chasina Point Pilot Station;

(3) *repealed 10/18/2001*;

(4) travel via Cape Muzon in Cordova Bay;

(A) to Shoe Island Pilot Station for vessels proceeding to Long Island;

(B) to Mellen Rock Pilot Station for vessels proceeding to Hydaburg;

(5) travel via Cape Bartolome in Bucareli Bay to Cabras Island Pilot Station;

(6) travel via Cape Ommaney in Chatham Strait to Frederick Sound Pilot Station;

(7) travel via Sitka Sound to Sitka Sound Pilot Station;

(8) travel via Prince William Sound to the Cordova Pilot Station;

- (9) travel via Prince William Sound to the Valdez Pilot Station;
- (10) travel via Prince William Sound to the Whittier Pilot Station;
- (11) travel via Resurrection Bay to Seward Pilot Station;
- (12) travel via Cook Inlet to the Homer Pilot Station;
- (13) travel to Kodiak City or Womens Bay Pilot Station without transiting Whale Passage;
- (14) travel by the most direct safe route to a pilot station or pickup point arranged under 12 AAC 56.120(b);
- (15) travel via Yakutat Bay to Yakutat Pilot Station.

**Authority:** AS 08.62.040

**12 AAC 56.115. PLEASURE CRAFT EXEMPTIONS.** (a) A pleasure craft applying under AS 08.62.180(b)-(e) for a pilotage exemption must employ a vessel agent registered in this state under AS 08.62.040(a)(3) and 08.62.187. The vessel agent must be identified on the pilotage exemption application.

(b) If a pleasure craft of foreign registry of more than 65 feet overall length enters compulsory pilotage waters without a pilot or a pilotage exemption under AS 08.62.180(b) – (e), the operator of the pleasure craft will not be granted a subsequent pilotage exemption until the operator

(1) provides the marine pilot coordinator satisfactory documentation detailing the pleasure craft's entry into compulsory pilotage waters and all subsequent voyages in violation of AS 08.62 and this chapter; and

(2) pays the appropriate charges for pilotage services in accordance with 12 AAC 56.205(a), (b), (c), or (d).

**Authority:** AS 08.62.040 AS 08.62.180

**12 AAC 56.120. PILOT STATIONS OR PICKUP POINTS.** (a) The established pilot stations for Alaska are as follows:

(1) Guard Island — 1.0 miles 315° true from Guard Island Light; approximate position 55° 27.5' north latitude, 131° 53.9' west longitude;

(2) Point McCartney — 1.0 miles 090° true from Point McCartney Light; approximate position 55° 06.8' north latitude, 131° 40.5' west longitude;

(3) Cabras Island — 1.0 miles 315° true from Cabras Island; approximate position 55° 22.0' north latitude, 133° 24.8' west longitude;

(4) Sitka Sound — 0.25 miles 000° true from the Eckholms Light; approximate position 57° 00.9' north latitude, 135° 21.4' west longitude;

(5) *repealed 5/31/2000*;

(6) Twin Island — 2.0 miles 045° true from Twin Island Light; approximate position 55° 10.0' north latitude, 131° 10.4' west longitude; this is a seasonal station open only during the period May 1 through September 30;

(7) Yakutat — 1.0 miles 315° true from Yakutat Bay Lighted Whistle Buoy 4; approximate position 59° 36.3' north latitude, 139° 52.5' west longitude;

(8) Icy Bay — 9.0 miles 180° true from Claybluff Point Light; approximate position 59° 49.0' north latitude, 141° 35.0' west longitude;

(9) Cordova — 2.0 miles 180° true from Sheep Point; approximate position 60° 35' north latitude, 146° 00' west longitude;

(10) Valdez and Whittier -- approximately 3.6 miles 246° true from Bligh Reef Buoy; approximate position 60° 49' north latitude, 147° 01' west longitude;

(11) Seward -- 1.1 miles 152° true from Caines Head Light; approximate position 59° 58' north latitude, 149° 22' west longitude;

(12) Cook Inlet — 1.0 miles 180° true from Lands End Light; approximate position 59° 35' north latitude, 151° 25' west longitude;

(13) Kodiak (City) or Womens Bay — 2.0 miles 100° true from St. Paul Harbor Entrance Light; approximate position 57° 44' north latitude, 152° 22' west longitude;

(14) Discoverer Bay — 2.0 miles 000° true from Posliedni Point; approximate position 58° 28' north latitude, 152° 20' west longitude;

(15) Port Wakefield — 1.0 miles 298° true from Kekur Point; approximate position 57° 52' north latitude, 152° 49' west longitude;

(16) Port Bailey — 1.5 miles 000° true from Dry Spruce Bay Light; approximate position 57° 59' north latitude, 153° 06' west longitude;

(17) Uganik — 2.0 miles 284° true from East Point; approximate position 57° 51' north latitude, 153° 32' west longitude;

(18) Larsen Bay — 1.0 miles 090° true from Harvester Island; approximate position 57° 39' north latitude, 153° 57' west longitude;

(19) Alitak — 2.4 miles 131° true from Cape Alitak Light; approximate position 56° 49' north latitude, 154° 15' west longitude;

(20) Old Harbor — 1.0 miles 082° true from Cape Liakik; approximate position 57° 07' north latitude, 153° 25' west longitude;

(21) Chignik — 1.5 miles 020° true from Chignik Spit Light; approximate position 56° 20' north latitude, 158° 22' west longitude;

- (22) Sand Point-Squaw Harbor — 2.7 miles 235° true from Popof Head; approximate position 55° 13' north latitude, 160° 24' west longitude;
- (23) King Cove — 1.5 miles 157° true from Morgan Point Light; approximate position 55° 01' north latitude, 162° 19' west longitude;
- (24) Cold Bay — 4.3 miles 177° true from Kaslokan Point Light; approximate position 55° 02' north latitude, 162° 31' west longitude;
- (25) False Pass — 1.5 miles 315° true from Ikatan Point; approximate position 54° 48' north latitude, 163° 13' west longitude;
- (26) Akutan — 1.0 miles 073° true from Akutan Point Light; approximate position 54° 09' north latitude, 165° 42' west longitude;
- (27) Dutch Harbor-Captains Bay — 1.0 miles 060° true from Ulakta Head Light; approximate position 53° 56' north latitude, 166° 29' west longitude;
- (28) Adak — 2.0 miles 092° true from Gannet Rocks Light; approximate position 51° 52' north latitude, 176° 33' west longitude;
- (29) Attu — 1.5 miles 180° true from Murder Point; approximate position 52° 46' north latitude, 173° 11' east longitude;
- (30) St. Paul Island — 4.0 miles 263° true from Reef Point; approximate position 57° 06' north latitude, 170° 25' west longitude; or -4.0 miles 043° true from North Point; approximate position 57° 16' north latitude, 170° 13' west longitude;
- (31) Port Moller — 4.8 miles 048° true from Walrus Island; approximate position 56° 05' north latitude, 160° 43' west longitude;
- (32) Port Heiden — 5.0 miles 340° true from Strongonof Point; approximate position 56° 58' north latitude, 158° 55' west longitude;
- (33) Ugashik Bay — 6.2 miles 291° true from Smoky Point Light; approximate position 57° 38' north latitude, 157° 52' west longitude;
- (34) Egegik — 7.0 miles 285° true from Red Bluff Light; approximate position 58° 16' north latitude, 157° 42' west longitude;
- (35) Naknek — 9.0 miles 248° true from Naknek Light; approximate position 58° 39' north latitude, 157° 21' west longitude;
- (36) Nushagak Bay — 0.6 miles 180° true from Nushagak Bay Entrance Lighted Bell Buoy; approximate position 58° 33' north latitude, 158° 24' west longitude;
- (37) Kulukak Bay — 3.0 miles 180° true from Kulukak Point; approximate position 58° 47' north latitude, 159° 39' west longitude;
- (38) Togiak — 1.0 miles 180° true from Summit Island; approximate position 58° 48' north latitude, 160° 12' west longitude;
- (39) Kuskokwim River Region
- (A) Kuskokwim River — 59° 42' north latitude, 162° 19' west longitude;
- (B) Goodnews Bay — 7.5 miles 228° true from Platinum; approximate position 58° 55' north latitude, 162° 00' west longitude;
- (40) Kivalina/Cape Krusenstern — 14.0 miles 239° true from the barge loading terminal; approximate position 67° 27' north latitude, 164° 35' west longitude;
- (41) Cape Spencer — 3.2 miles 090° true from Cape Spencer Light; approximate position 58° 12' north latitude, 136° 32' west longitude; this is a seasonal station open only during the period May 1 through September 30;
- (42) St. George Island — either 3.0 miles 000° true from St. George village; approximate position 56° 39' north latitude, 169° 33' west longitude; or -3.0 miles 210° true from Rush Point; approximate position 56° 33' north latitude, 169° 47' west longitude.
- (43) Frederick Sound — 3.0 miles 310° true from Cornwallis Point Light; approximate position 56°58' north latitude, 134° 21' west longitude;
- (44) *repealed 5/31/2000;*
- (45) *repealed 5/31/2000;*
- (46) Chasina Point — 1.25 miles 013° true from Chasina Point; approximate position 55°18' north latitude, 132°01' west longitude;
- (47) Shoe Island — 2.0 miles 090° true from Shoe Island Light; approximate position 54°57' north latitude, 132°41' west longitude;
- (48) Mellen Rock — 0.6 miles 050° true from Mellen Rock Light; approximate position 55°02' north latitude, 132°39' west longitude;
- (49) Atka/Nazan Bay — 1.1 miles 134° true from Flat Point; approximate position 55°13' north latitude, 174°06' west longitude;
- (50) Tanaga Bay — 2.2 miles 202° true from Cape Agamsik; approximate position 51°45' north latitude, 178°04' west longitude;
- (51) Kiska Harbor — 1.0 mile 270° true from Little Kiska Head; approximate position 51°58.5' north latitude, 177°36.5' west longitude.
- (b) Inside compulsory pilotage waters, embarking or disembarking pilots at any location inside of an established pilot station may be undertaken only by agreement between a

(1) pilot and a ship's master in an emergency or for reasons of safety when required by extreme weather or other unforeseeable circumstances; or

(2) pilot organization and a ship's agent on a trial basis to accommodate a newly established port, trade, or route.

(c) If safe and reliable transportation cannot be provided to or from the pilot station, the nearest pilot station with safe and reliable transportation shall be used. If reasonable effort has been made to offer safe and reliable transportation and the vessel, equipment, or personnel do not meet the minimum standards set out in (d) of this section, the pilot may use the transportation provided.

(d) In order to provide safe and reliable transportation for pilots, a vessel must have the following items onboard:

- (1) licensed operator;
- (2) waterproof VHF radio in addition to the pilot's VHF radio;
- (3) distress signals, including three parachute flares, three hand held flares, and one dye marker in a waterproof case;
- (4) first aid kit;
- (5) spare fuel supply, if the vessel is propelled by an outboard motor;
- (6) radar reflector;
- (7) tool kit;
- (8) engine kill switch;
- (9) survival suits; one for each person onboard the vessel;
- (10) flashlight;
- (11) anchor and 30 fathoms of line;
- (12) sound producing device;
- (13) pilot retrieval system;
- (14) high-intensity strobe when a pilot transfer occurs at night.

(e) Before a trial pilot station established under (b) (2) of this section may be used, it must be preliminarily approved by the marine pilot coordinator. A trial pilot station that has been preliminarily approved by the marine pilot coordinator will remain valid unless the board disapproves the trial pilot station for further use. The board will approve the trial station for notice as an established pilot station if it determines that the trial station accommodates a newly established port, trade, or route and is in the public interest. The board will disapprove the trial station for further use if the board determines that the trial station is not necessary or not in the public interest.

**Authority:** AS 08.62.040

### **ARTICLE 3. TARIFFS.**

#### **Section**

**130 – 158 (Repealed)**

**200. (Repealed)**

**205. Availability of pilots**

**210. (Repealed)**

**220. (Repealed)**

**230. (Repealed)**

**240. (Repealed)**

**250. Procedures for setting pilotage rates**

*Editor's note: The rates for pilotage fees established by the Board of Marine Pilots under the authority of AS 08.62.040(a)(4) for both Southeastern and Southwestern Alaska are on file in the Office of the Lieutenant Governor and copies are available from the division of corporations, business and professional licensing, Department of Commerce, Community, and Economic Development. These rates are entitled "Pilotage Tariff and Charges."*

**12 AAC 56.130 – 12 AAC 56.158. Repealed 5/13/92.**

**12 AAC 56.200. MAXIMUM TARIFF. Repealed 6/16/96.**

**12 AAC 56.205. AVAILABILITY OF PILOTS.** (a) In the Southcentral Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 36 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. An agent, owner, or master of a vessel shall again inform the appropriate pilot organization of a vessel movement at least 24 hours before the movement. A pilot will be considered unavailable for service only if the timely notice under this subsection is given and a pilot does not show up at the vessel to render service. If notice is not given as required under this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach

the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(b) Except as provided in (d) of this section, in the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 48 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 48-hour notice required by this subsection is given and a pilot does not show up at the vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 48 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 48-hour notice is not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(c) In the Southeastern Alaska region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 48 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. An agent, owner, or master of a vessel shall again inform the appropriate pilot organization of a vessel movement at least 24 hours before the movement. A pilot will be considered unavailable for service only if the timely notice required by this subsection is given and a pilot does not show up at the vessel to render service. If notice is not given as required under this subsection and the pilot is unable to reach the vessel to render pilot services, the vessel or vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and for the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

(d) In the Aleutian Island ports that are west of Atka Island in the Western Alaska Region, an agent, owner, or master of a vessel shall inform the appropriate pilot organization of a vessel movement at least 96 hours before the movement in order to provide sufficient time for a pilot to arrive at the vessel by the available means of transportation. A pilot will be considered unavailable for service only if the 96-hour notice required by this subsection is given and a pilot does not show up at the vessel to render service. If the agent, owner, or master of a vessel requests a pilot, and the pilot attempts to reach the vessel but cannot do so within 96 hours due to factors beyond the pilot's control, and the vessel then leaves without the pilot, the vessel or the vessel's owner may be charged for the actual expenses incurred by the pilot in attempting to reach the vessel. If the 96-hour notice is not given as required by this subsection and a pilot is not able to reach the vessel to render pilot services, the vessel or the vessel's owner may be charged for the transportation costs incurred by the pilot in attempting to reach the vessel and the pilotage charge and all other charges that would have been incurred had the pilot reached the vessel and provided pilotage services.

**Authority:** AS 08.62.040 AS 08.62.190

**12 AAC 56.210. TARIFF FOR SOUTHEASTERN ALASKA REGION.** *Repealed 7/15/2006.*

**12 AAC 56.220. TARIFF FOR SOUTHCENTRAL ALASKA REGION.** *Repealed 7/15/2006.*

**12 AAC 56.230. TARIFF FOR WESTERN ALASKA REGION.** *Repealed 7/15/2006.*

**12 AAC 56.240. TARIFF FOR KUSKOKWIM RIVER REGION.** *Repealed 7/15/2006.*

**12 AAC 56.250. PROCEDURES FOR SETTING PILOTAGE RATES.** Notice to the board and registered agents required by AS 08.62.046 for setting pilotage rates must

- (1) identify the dates the notice will be published in the newspaper; and
- (2) be sent at or before the first day of publication in the newspaper.

**Authority:** AS 08.62.040 AS 08.62.046

#### **ARTICLE 4. RECOGNITION OF PILOT ORGANIZATIONS.**

##### **Section**

- 300. Standard for recognition**
- 310. Qualifications for recognition**
- 320. (Repealed)**

**12 AAC 56.300. STANDARD FOR RECOGNITION.** In order for a pilot organization to be recognized by the board in a pilotage region, the organization must demonstrate to the board's satisfaction the organization's ability to promote a safe, reliable, and efficient pilotage system in that region considering the size of the organization.

**12 AAC 56.310. QUALIFICATIONS FOR RECOGNITION.** (a) A pilot organization seeking recognition by the board must comply with the minimum qualifications in AS 08.62.175 and of this section.

(b) A pilot organization seeking recognition must provide the board with a list of its members, including pilots, deputy pilots, trainees, and apprentices.

(c) The articles, bylaws, or rules of a pilot organization seeking recognition by the board must include provisions that require the organization to

(1) comply with all applicable federal, state, and local laws;

(2) treat both its members and applicants for membership in a uniform, nondiscriminatory, and otherwise lawful manner;

(3) conduct its business activities in a nondiscriminatory and otherwise lawful manner;

(4) cooperate and assist the board by

(A) maintaining a system that enables the organization to obtain necessary information from members on a timely basis and to respond to directives issued by government agencies having jurisdiction over pilotage;

(B) maintaining a process for responding to inquiries and requests of the board or its marine pilot coordinator;

(C) cooperating, and requiring its members to cooperate with investigations and audits by or on behalf of the board;

(D) acknowledging the authority of the board for cause and after notice and hearing to suspend or revoke the recognition of the organization;

(E) bringing to the attention of the department any credible information regarding a member of the organization that may require the board to act under AS 08.62.150 — 08.62.155;

(F) maintaining a relationship with other pilot organizations that furthers the purposes of AS 08.62 (the Alaska Marine Pilotage Act); and

(G) identifying an agent of the organization for the service of process in the state;

(5) maintain in-house procedures for the handling of disciplinary actions and grievances within the organization; the procedures must, at a minimum, provide a member with the right to due process and a fair hearing;

(6) adopt and revise rates for pilotage services in accordance with AS 08.62.046 and this chapter;

(7) ensure fair and equal access to the experience necessary to obtain or upgrade a pilot's license under AS 08.62 and this chapter;

(8) maintain fair procedures for the conduct of its internal organizational business;

(9) maintain an efficient, equitable, and nondiscriminatory dispatch system at all times that enables the organization to provide prompt dispatch of pilots to the entire region given the size of the membership of the organization and retain the records of those dispatches for audit by the board; and

(10) comply with a written request from the master or owner of a vessel, or that person's representative, showing cause to not dispatch a particular member to pilot to a particular vessel and maintain in-house procedures to provide a member with the right to due process and a fair hearing to contest that action.

(d) A pilot organization seeking recognition must demonstrate to the board that

(1) the organization and its members will conduct or participate in a board approved continuing education program;

(2) the organization and its members will participate in a board approved random drug or alcohol testing program;

(3) the organization and its members will conduct or participate in a board approved training program;

(4) the organization has a bookkeeping and accounting system that enables the organization to prepare and retain accurate and detailed financial records of the activities of the organization; and

(5) the organization has an equitable system for the allocation of its members' income earned from piloting services covered by this chapter.

(e) A pilot organization may provide a retirement plan or program for eligible members.

(f) A pilot organization may assess a separate charge at a rate necessary to provide the benefits to be paid out under a retirement plan or program. The separate charge for the retirement plan or program may be listed separately in a published rate under AS 08.62.046.

**12 AAC 56.320. SUSPENSION OR REVOCATION OF RECOGNITION.** *Repealed 6/16/96*

**ARTICLE 5.  
TRAINING AND CONTINUING EDUCATION PROGRAMS.**

**(RESERVED)**

**ARTICLE 6.**  
**VERY LARGE CRUDE CARRIERS (VLCC).**

**Section**

**500. VLCC endorsement required**

**510. Qualifications for VLCC license endorsement**

**12 AAC 56.500. VLCC ENDORSEMENT REQUIRED.** (a) Due to the great mass, windage, and ship-handling peculiarities of very large crude carrier (VLCC) class vessels, only pilots holding a VLCC endorsement may pilot those vessels in waters covered by this chapter.

- (b) A pilot wishing to get a VLCC endorsement must
- (1) apply on a form provided by the department;
  - (2) pay the fee required in 12 AAC 02.240; and
  - (3) provide documentation of compliance with 12 AAC 56.510.

**Authority:** AS 08.62.040 AS 08.62.100

**12 AAC 56.510. QUALIFICATION FOR VLCC LICENSE ENDORSEMENT.** (a) An applicant for a VLCC endorsement must hold a valid marine pilot license and demonstrate special training or experience by documenting the following

- (1) round trips:
- (A) 20 round trips on a VLCC class vessel as a pilot observer over a pilotage route; or
  - (B) 10 round trips on a VLCC class vessel as a pilot observer over a pilotage route and completion of a VLCC ship handling course at a facility approved by the board; and
- (2) experience:
- (A) at least 15 dockings and 15 undockings as a pilot on VLCC class vessels; or
  - (B) 365 days of experience as master of a VLCC class vessel and completion of a VLCC ship handling course at a facility approved by the board.

(b) Under (a)(1) of this section, a round trip on a VLCC class vessel as a pilot observer must include two trip segments that either begin with an undocking or terminate with a docking. Dockings and undockings under (a)(1) of this section may be observed or actually performed by the applicant.

**Authority:** AS 08.62.040 AS 08.62.100

**ARTICLE 7.**  
**GENERAL PROVISIONS.**

**Section**

**930. Quorum**

**940. Drugs and alcohol**

**950. Current address**

**960. Duties of pilots**

**963. Hours of duty**

**965. Incident report**

**970. Physical incapacitation**

**980. Registration of operators**

**990. Definitions**

**12 AAC 56.930. QUORUM.** (a) If the board administers an examination, two members of the board constitute a quorum.

(b) For the purpose of board meetings, hearings, and conducting all other board business, except examinations, a majority of the board constitutes a quorum.

**Authority:** AS 08.62.040

**12 AAC 56.940. DRUGS AND ALCOHOL.** (a) A deputy marine pilot or marine pilot licensed under this chapter may not consume alcohol or a controlled substance any time between 12 hours before going on duty and the conclusion of duty. If directed to do so for reasonable cause by the marine pilot coordinator or the United States Coast Guard, a pilot shall provide a breath sample to be tested for the presence of alcohol and a blood or urine sample to be tested for the presence of alcohol or a controlled substance.

(b) A pilot shall participate in a random drug testing program conducted according to the requirements of 46 C.F.R. 16 and 49 C.F.R. 40, as amended as of December 4, 1992.

(c) For the purposes of this section and enforcement of AS 28.35.030, the standard for intoxication for deputy marine pilots and marine pilots is .04 grams or more of alcohol per 210 liters of the pilot's breath.

- (d) A deputy marine pilot is subject to disciplinary sanctions under AS 08.62.150 and AS 08.62.155 for
- (1) a violation of (a) or (b) of this section;
  - (2) being under the influence of alcohol while on duty on a vessel; or
  - (3) using a controlled substance listed in AS 11.71.140 - AS 11.71.190 at any time and documented by drug testing that meets the standards of (b) of this section.
- (e) The board will, in its discretion, revoke the license of a pilot who has, since the date of initial licensure, received a second criminal conviction or disciplinary sanction for a drug or alcohol related incident as described in this section.
- (f) A pilot shall report to the board any conviction of a crime involving that pilot's personal consumption of alcohol or a controlled substance or possession or illegal sale of a controlled substance. The department will, in its discretion, investigate each report and recommend to the board whether disciplinary action should be considered.
- (g) Failure of a pilot to file a report with the board within 30 days after a conviction described in (f) of this section is grounds for disciplinary action under AS 08.62.150 and AS 08.62.155.
- (h) A pilot shall provide a report to the marine pilot coordinator by January 31 of each year stating whether the pilot has participated in a random drug testing program during the previous year.

**Authority:** AS 08.62.040 AS 08.62.150 AS 08.62.155

**12 AAC 56.950. CURRENT ADDRESS.** A licensee shall maintain a current, valid mailing address on file with the division at all times. The latest mailing address on file for an active, inactive, or lapsed license is the address of the licensee for official communications, notifications and service of legal process.

**Authority:** AS 08.62.040

**12 AAC 56.960. DUTIES OF PILOTS.** (a) A pilot shall be on duty, at the conn, piloting the vessel at all times when the vessel is in transit or maneuvering in compulsory pilotage waters. A pilot at the conn may only be relieved for cause by the vessel's master or the officer in charge of the navigational watch when the master is absent from the bridge. The pilot may voluntarily relinquish the conn to a ship's officer, but may reassume the conn at any time.

(b) A passenger vessel in transit of compulsory pilotage waters not excluded under 12 AAC 56.110 must carry two pilots on board except during an entry transit between a pilot station and a harbor or anchorage within compulsory pilotage waters, or an exit from compulsory pilotage waters where the entry or exit transit is normally less than eight hours.

(c) A non-passenger vessel in a continuous transit of compulsory pilotage waters of Southeast Alaska that is expected to exceed eight hours must employ two pilots.

(d) If a vessel piloted by a state licensed pilot goes aground, collides with another vessel or dock, meets with any casualty, or is damaged in any way, the pilot shall, no later than 72 hours after returning ashore after the incident, file with the marine pilot coordinator an incident report as described in 12 AAC 56.965. The marine pilot coordinator will, in coordinator's discretion, investigate the reported incident.

(e) A pilot shall report to the Aids to Navigation office of the United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to that pilot's knowledge.

(f) A pilot who fails to make a report to the marine pilot coordinator as required by this chapter, is subject to the disciplinary provisions of AS 08.62.150 and AS 08.62.155.

(g) A pilot when so notified in writing shall report in person to the board at any meeting specified in the notice.

(h) A pilot summoned to testify before the board shall appear in accordance with the summons and shall answer, under oath, any questions asked which deal with any matter connected with piloting or the pilotage waters over which the pilot is licensed to act. The pilot is entitled to have an attorney or advisor present during any such appearance and testimony.

(i) A pilot on boarding a ship, if required by the master, shall exhibit his or her state license or photostatic copy of it.

(j) A pilot on board a vessel must be provided access to an operable radio on the bridge at all times to use on channel 16 VHF for safety purposes.

(k) A pilot organization shall report on a quarterly basis all pilotage performed by each pilot on vessels that were subject to AS 08.62. The report shall be submitted to the marine pilot coordinator by E-mail or on a 3.5" computer floppy diskette. The report must include the following elements and be formatted in the same order:

- (1) pilot name;
- (2) date of departure;
- (3) time of departure;
- (4) date of arrival;
- (5) time of arrival;
- (6) place departed;
- (7) place arrived;
- (8) vessel name;
- (9) vessel gross tons;
- (10) vessel IMO number;
- (11) vessel type;

- (12) waters transited;
- (13) trainee name;
- (14) training evolution; and
- (15) pilot association affiliation.

(l) Upon boarding a ship, a pilot shall conduct a briefing with the master or other appropriate deck officers. The briefing may include a discussion of the proposed route, including courses, speeds, and planned maneuvers, and a discussion of the squat and unique maneuvering characteristics of the vessel. The pilot may conduct additional briefings throughout the transit of compulsory pilotage waters.

**Authority:** AS 08.62.040 AS 08.62.160

***Editor's note:** For the purposes of 12 AAC 56.960, the marine pilot coordinator's mailing address and phone number are Marine Pilot Coordinator, Division of Corporations, Business and Professional Licensing, Department of Commerce, Community, and Economic Development, P.O. Box 110806, Juneau, AK 99811-0806; Phone (907)465-2534. The Marine Pilot Coordinator's electronic mail address may be obtained by contacting the Division of Corporations, Business and Professional Licensing.*

**12 AAC 56.963. HOURS OF DUTY.** A pilot may not be on duty for more than 15 hours in a 24-hour period or more than 36 hours in a 72-hour period, except in an emergency.

**Authority:** AS 08.62.040

**12 AAC 56.965. INCIDENT REPORT.** (a) The written incident report required by 12 AAC 56.960(d) must be in writing on the form provided by the department. All applicable sections of the form shall be completed. The required information shall be obtained as soon as the situation stabilizes and the pilot can dedicate his or her time and attention to providing the information.

(b) The report shall include

- (1) identification of the pilot;
- (2) date and time of the incident;
- (3) identification and description of the piloted vessel and its cargo;
- (4) identification of the vessel's master and agent;
- (5) a detailed description of the location of the incident;
- (6) a description of the weather and sea conditions at the time of the incident;
- (7) identification of all other persons and vessels involved in the incident;
- (8) identification of witnesses; and
- (9) an illustrated and narrative description of the incident.

**Authority:** AS 08.62.040

**12 AAC 56.970. PHYSICAL INCAPACITATION.** A pilot who is physically incapacitated as a pilot for a period of 90 days or more shall not return to active pilot service until submitting evidence to the board of a satisfactory physical examination.

**Authority:** AS 08.62.040(a) AS 08.62.040(b)

**12 AAC 56.980. REGISTRATION OF OPERATORS.** All agents of owners and agents of operators whose vessels are subject to AS 08.62 must register with the board and keep the board advised of any changes of names and addresses.

**Authority:** AS 08.62.040(a) AS 08.62.187

**12 AAC 56.990. DEFINITIONS.** (a) Unless the context indicates otherwise, in this chapter

- (1) "agent" means a person residing within the state who acts on behalf of the owner or operator of a vessel with actual or apparent authority for the purposes of securing pilotage services;
- (2) "anchoring" means the evolution of maneuvers made to approach and anchor a vessel in an anchorage, beginning with the briefing of the maneuver to the training pilot and ending when the anchor is set and the scope of chain deployed;
- (3) "applicant" means an individual who has applied to the department for a licensing action under AS 08.62 or this chapter;
- (4) "apprentice" means an individual accepted into a marine pilot apprenticeship program approved by the board, under AS 08.62.093(b)(6) and 12 AAC 56.033;
- (5) "area" means any port, restricted passage, cruise area, or pilotage waters of the inland or coastal waters of or adjacent to Alaska for which a pilot's license is required and a pilotage rate is established under AS 08.62 and this chapter;
- (6) "at the conn" means to conduct or direct the maneuvering of a ship;

- (7) “candidate” means an individual in any stage of the deputy marine pilot training or apprenticeship program who has not yet made application to the board for licensure;
- (8) “compulsory pilotage waters” means those inland or coastal waters of or adjacent to Alaska defined in 12 AAC 56.090 and 12 AAC 56.100 where Alaska pilotage is required;
- (9) “day” as used in the definition of year, means the same as “day” in 46 C.F.R. 10.103;
- (10) “docking” means the evolution of maneuvers made to approach and secure a vessel at a berth, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secured at the berth and
- (A) in the Southeastern Region, includes the approach from the navigation channel, anchorage, or mooring;
- (B) in the Southwestern and Western Regions, includes the transit from the pilot station to the dock;
- (11) “dredging an anchor” means to deploy and utilize an anchor while maneuvering a vessel to moor, anchor, or make secure at a berth;
- (12) “fishing vessels” means vessels primarily engaged in the harvesting of fish, shellfish, marine mammals, pearls, shells, or marine vegetation for commercial purposes;
- (13) “ice conditions” means ice exists in sufficient quantities to affect the maneuvering or navigation of the vessel;
- (14) “incompetent” means the exercise of pilotage duties in a manner which endangers life or property or failure to exercise the requisite knowledge and skill required of a pilot;
- (15) “laying to” means the temporary interruption of a vessel’s transit for some special purpose that stops but does not anchor or moor the vessel;
- (16) “maneuver” means to conn a vessel using one or any combination of propulsion and directional guidance, including the helm, engines, thrusters, tugs, other vessels, or anchors;
- (17) “misconduct” means to knowingly violate a provision of AS 08.62, or regulations adopted under authority of AS 08.62, by a person during the course of that person’s employment;
- (18) “mooring” means the evolution of maneuvers made to approach and secure a vessel to a mooring buoy or buoys, beginning with the briefing of the maneuver to the training pilot and ending when the last line is secured;
- (19) “movement” means a docking or undocking, mooring or unmooring, a transit to or from a pilot station, coming alongside an anchored vessel, or anchoring a vessel;
- (20) “night” means the period of time between the end of civil twilight when the sun is six degrees below the horizon after sunset and the start of civil twilight when the sun is six degrees below the horizon before sunrise;
- (21) “on duty” means being at the conn or assisting the master or navigational officer;
- (22) “round trip” is a vessel’s passage through a body of water from the entrance or end of navigation to the other entrance or end of navigation and return;
- (23) “service” as used in AS 08.62.093(b) and 12 AAC 56.012, means the time spent on duty on a vessel that is underway;
- (24) “standing by” means the time during which a pilot is dispatched to a vessel and is waiting to go on duty to perform pilotage service; “standing by” includes time onboard the vessel, or on shore if the vessel’s owner, master, or agent has scheduled a pilot to be available for pilotage duty;
- (25) “state licensed marine pilot” or “state marine pilot” means an individual who holds an Alaska license issued under AS 08.62 and this chapter;
- (26) “territorial seas” has the meaning given that term in 33 C.F.R. 2.05 - 5(a) (revised as of December 15, 1995);
- (27) “trainee” means an individual who has met the requirements of AS 08.62.093(a)(1) and (b)(1) - (5), holds the applicable federal pilotage endorsement, passed the deputy marine pilot core examination described in 12 AAC 56.070(e), and has been accepted by a pilot organization into its training program for the purpose of obtaining supervised vessel movements required for licensure;
- (28) “transit” is a vessel’s passage through a body of water, from one entrance or end of navigation to the other entrance or end of safe navigation;
- (29) “underway” means that a vessel is not at anchor, moored, or made fast to the shore or aground;
- (30) “undocking” means the evolution of maneuvers made to depart a berth, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate; in the Southwestern and Western Regions, “undocking” includes the transit from the dock to the pilot station;
- (31) “unmooring” means the evolution of maneuvers made to depart a mooring, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate;
- (32) “very large crude carrier” or “VLCC” is any tank vessel of 60,000 gross tons or greater;
- (33) “weighing anchor” means the evolution of maneuvers made to depart an anchorage, beginning with the briefing of the maneuver to the training pilot and ending when the vessel is clear to navigate;
- (34) “year” as used in AS 08.62.093(b) means the same as year in 46 C.F.R.10.103;
- (35) “for cause” means due to incompetence or misconduct;
- (36) “active port” means a port at which commerce is conducted;
- (37) “board approved simulator” means a Class A full-mission bridge simulator;
- (38) “bridge simulator course” means a course approved by the board and conducted using a board approved simulator;
- (39) “the state’s coastline” means the line of ordinary low water along that portion of the coast which is in direct contact with the open sea and the line marking the seaward limit of inland waters.

(b) As used in AS 08.62.160, “navigating” means underway, except that it is not to be construed to require more than one state licensed marine pilot for the combination of a tug and a vessel under tow.

(c) As used in 12 AAC 56.018, 12 AAC 56.019, and 12 AAC 56.029, “vessel movements” includes movements performed as the pilot on duty, or movements performed while supervised and documented by a training pilot.

(d) As used in AS 08.62.165(a), “pilotage services” includes supervision and evaluation of a trainee, apprentice, deputy marine pilot, or marine pilot by a marine pilot holding a training pilot endorsement issued under 12 AAC 56.016.

**Authority:** AS 08.62.040 AS 08.62.160

**Editor’s note:** *Information on Standards for Certification of Class A Simulator Systems described in 12 AAC 56.990(37) may be obtained by contacting Det Norske Veritas AS, Marine Technology and Production Center, Competence Operation and Management, Veritasveien 1, 1322 Hovik, Norway; telephone: + 47 67 57 99 00; fax: + 47 67 57 99 11; website at <http://www.dnv.com>.*

**CHAPTER 01.**  
**CENTRALIZED LICENSING.**

**Section**

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**Sec. 08.01.010. Applicability of chapter.** This chapter applies to the

- (1) Board of Public Accountancy (AS 08.04.010);
- (2) regulation of acupuncturists under AS 08.06;
- (3) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.011);
- (4) Athletic Commission (AS 05.05 and AS 05.10);
- (5) regulation of audiologists and speech-language pathologists under AS 08.11;
- (6) Board of Barbers and Hairdressers (AS 08.13.010);
- (7) Big Game Commercial Services Board (AS 08.54.591);
- (8) regulation of business licenses under AS 43.70;
- (9) Board of Chiropractic Examiners (AS 08.20.010);
- (10) regulation of collection agencies under AS 08.24;
- (11) regulation of concert promoters under AS 08.92;
- (12) regulation of construction contractors and home inspectors under AS 08.18;
- (13) Board of Dental Examiners (AS 08.36.010);
- (14) Board of Certified Direct-Entry Midwives (AS 08.65.010);
- (15) regulation of dietitians and nutritionists under AS 08.38;
- (16) regulation of dispensing opticians under AS 08.71;
- (17) regulation of electrical and mechanical administrators under AS 08.40;
- (18) regulation of agencies that perform euthanasia services under AS 08.02.050;
- (19) regulation of professional geologists under AS 08.02.011;
- (20) regulation of hearing aid dealers under AS 08.55;
- (21) Board of Marine Pilots (AS 08.62.010);
- (22) Board of Marital and Family Therapy (AS 08.63.010);
- (23) State Medical Board (AS 08.64.010);
- (24) *[Repealed, Sec. 2 ch 72 SLA 1999.]*
- (25) regulation of morticians under AS 08.42;
- (26) regulation of the practice of naturopathy under AS 08.45;
- (27) Board of Nursing (AS 08.68.010);
- (28) regulation of nursing home administrators under AS 08.70;
- (29) Board of Examiners in Optometry (AS 08.72.010);
- (30) Board of Pharmacy (AS 08.80.010);
- (31) State Physical Therapy and Occupational Therapy Board (AS 08.84.010);
- (32) Board of Professional Counselors (AS 08.29.010);
- (33) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010);
- (34) Real Estate Commission (AS 08.88.011);
- (35) Board of Certified Real Estate Appraisers (AS 08.87.010);
- (36) Board of Social Work Examiners (AS 08.95.010);

- (37) Board of Veterinary Examiners (AS 08.98.010);
- (38) regulation of private professional guardians and private professional conservators (AS 08.26).

**Sec. 08.01.020. Board organization.** Board members are appointed by the governor and serve at the pleasure of the governor. Unless otherwise provided, the governor may designate the chair of a board, and all other officers shall be elected by the board members. Unless otherwise provided, officers of a board are the chair and the secretary. A board may provide by regulation that three or more unexcused absences from meetings are cause for removal.

**Sec. 08.01.025. Public members.** A public member of a board may not:

- (1) be engaged in the occupation that the board regulates;
- (2) be associated by legal contract with a member of the occupation that the board regulates except as a consumer of the services provided by a practitioner of the occupation; or
- (3) have a direct financial interest in the occupation that the board regulates.

**Sec. 08.01.030. Quorum.** A majority of the membership of a board constitutes a quorum unless otherwise provided.

**Sec. 08.01.035. Appointments and terms.** Members of boards subject to this chapter are appointed for staggered terms of four years. Except as provided in AS 39.05.080(4), a member of a board serves until a successor is appointed. Except as provided in AS 39.05.080(4), an appointment to fill a vacancy on a board is for the remainder of the unexpired term. A member who has served all or part of two successive terms on a board may not be reappointed to that board unless four years have elapsed since the person has last served on the board.

**Sec. 08.01.040. Transportation and per diem.** A board member is entitled to transportation expenses and per diem as set out in AS 39.20.180.

**Sec. 08.01.050. Administrative duties of department.** (a) The department shall perform the following administrative and budgetary services when appropriate:

- (1) collect and record fees;
- (2) maintain records and files;
- (3) issue and receive application forms;
- (4) notify applicants of acceptance or rejection as determined by the board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as determined by the department under applicable law;
- (5) designate dates examinations are to be held and notify applicants;
- (6) publish notice of examinations and proceedings;
- (7) arrange space for holding examinations and proceedings;
- (8) notify applicants of results of examinations;
- (9) issue licenses or temporary licenses as authorized by the board or, for occupations or activities listed in AS 08.01.010 that are regulated directly by the department, as authorized by the department under applicable law;
- (10) issue duplicate licenses upon submission of a written request by the licensee attesting to loss of or the failure to receive the original and payment by the licensee of a fee established by regulation adopted by the department;
- (11) notify licensees of renewal dates at least 30 days before the expiration date of their licenses;
- (12) compile and maintain a current register of licensees;
- (13) answer routine inquiries;
- (14) maintain files relating to individual licensees;
- (15) arrange for printing and advertising;
- (16) purchase supplies;
- (17) employ additional help when needed;
- (18) perform other services that may be requested by the board;
- (19) provide inspection, enforcement, and investigative services to the boards and for the occupations listed in AS 08.01.010 regarding all licenses issued by or through the department;
- (20) retain and safeguard the official seal of a board and prepare, sign, and affix a board seal, as appropriate, for licenses approved by a board;
- (21) issue business licenses under AS 43.70.

(b) The form and content of a license, authorized by a board listed in AS 08.01.010, including any document evidencing renewal of a license, shall be determined by the department after consultation with and consideration of the views of the board concerned.

(c) *[Repealed, Sec. 49 ch 94 SLA 1987.]*

(d) At the request of one of the following boards, the department may contract with public agencies and private professional organizations to provide assistance and treatment to persons licensed by the board who abuse alcohol, other drugs, or other substances:

- (1) Board of Social Work Examiners;

- (2) Board of Dental Examiners;
- (3) *[Repealed, Sec. 4 ch 19 SLA 2008.]*
- (4) State Medical Board;
- (5) Board of Nursing;
- (6) Board of Examiners in Optometry;
- (7) Board of Pharmacy;
- (8) State Physical Therapy and Occupational Therapy Board;
- (9) Board of Professional Counselors;
- (10) Board of Psychologist and Psychological Associate Examiners;
- (11) Board of Veterinary Examiners; and
- (12) Board of Marital and Family Therapy.

**Sec. 08.01.060. Application for license.** (a) All applications for examination or licensing to engage in the business or profession covered by this chapter shall be made in writing to the department.

(b) If the applicant is a natural person, the application must require that the applicant submit the applicant's social security number to the department. Notwithstanding any other provision of this title, a license to engage in a profession may not be issued by the department to a natural person unless the social security number has been provided to the department.

**Sec. 08.01.062. Courtesy licenses.** (a) A board established under this title and the Department of Commerce, Community, and Economic Development, with respect to an occupation that it regulates under this title, may by regulation establish criteria for issuing a temporary courtesy license to nonresidents who enter the state so that, on a temporary basis, they may practice the occupation regulated by the board or the department.

(b) The regulations adopted under (a) of this section may include limitations relating to the

- (1) duration of the license's validity;
- (2) scope of practice allowed under the license; and
- (3) other matters considered important by the board or the department.

**Sec. 08.01.065. Establishment of fees.** (a) Except for business licenses, the department shall adopt regulations that establish the amount and manner of payment of application fees, examination fees, license fees, registration fees, permit fees, investigation fees, and all other fees as appropriate for the occupations covered by this chapter.

(b) *[Repealed, Sec. 4 ch 34 SLA 1992.]*

(c) Except as provided in (f) – (i) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected for an occupation approximately equals the actual regulatory costs for the occupation. The department shall annually review each fee level to determine whether the regulatory costs of each occupation are approximately equal to fee collections related to that occupation. If the review indicates that an occupation's fee collections and regulatory costs are not approximately equal, the department shall calculate fee adjustments and adopt regulations under (a) of this section to implement the adjustments. In January of each year, the department shall report on all fee levels and revisions for the previous year under this subsection to the office of management and budget. If a board regulates an occupation covered by this chapter, the department shall consider the board's recommendations concerning the occupation's fee levels and regulatory costs before revising fee schedules to comply with this subsection. In this subsection, "regulatory costs" means costs of the department that are attributable to regulation of an occupation plus

- (1) all expenses of the board that regulates the occupation if the board regulates only one occupation;
- (2) the expenses of a board that are attributable to the occupation if the board regulates more than one occupation.

(d) The license fee for a business license is set by AS 43.70.030(a). The department shall adopt regulations that establish the manner of payment of the license fee.

(e) *[Repealed, Sec. 28 ch 90 SLA 1991.]*

(f) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the State Board of Registration for Architects, Engineers, and Land Surveyors approximately equals the total regulatory costs of the department and the board for all occupations regulated by the board. The department shall set the fee levels for the issuance and renewal of a certificate of registration issued under AS 08.48.211 so that the fee levels are the same for all occupations regulated by the board.

(g) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the department for all occupations regulated under AS 08.11 approximately equals the total regulatory costs of the department for all occupations regulated by the department under AS 08.11. The department shall set the fee levels for the issuance and renewal of licenses issued under AS 08.11 so that the fee levels are the same for all occupations regulated by the department under AS 08.11.

(h) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the Board of Barbers and Hairdressers approximately equals the total regulatory costs of the department, the board, and the Department of Environmental Conservation for all occupations regulated by the board. For purposes of this subsection, the regulatory costs of the Department of Environmental Conservation for the occupations regulated by the board include the cost of inspections under AS 08.13.210(b), the cost of developing and adopting regulations under AS 44.46.020 for barbershop, hairdressing, manicuring, esthetics,

body piercing, ear piercing, and tattooing and permanent cosmetic coloring establishments, and the cost to the Department of Environmental Conservation of enforcing those regulations except for the enforcement costs relating to ear piercing establishments. The department shall set the fee levels for the issuance and renewal of a practitioner's license issued under AS 08.13.100 so that the license and license renewal fees are the same for all occupations regulated by the Board of Barbers and Hairdressers.

(i) Notwithstanding (c) of this section, the department shall establish fee levels under (a) of this section so that the total amount of fees collected by the Department of Commerce, Community, and Economic Development for specialty contractors, home inspectors, and associate home inspectors approximately equals the total regulatory costs of the department for those three registration categories. The department shall set the fee levels for the issuance and renewal of a certificate of registration issued under AS 08.18 so that the fee levels are the same for all three of these registration categories and so that the fee level for a home inspector with a joint registration is not different from the fee level for a home inspector who does not have a joint registration. In this subsection, "joint registration" has the meaning given in AS 08.18.171.

**Sec. 08.01.070. Administrative duties of boards.** Each board shall perform the following duties in addition to those provided in its respective law:

- (1) take minutes and records of all proceedings;
- (2) hold a minimum of one meeting each year;
- (3) hold at least one examination each year;
- (4) request, through the department, investigation of violations of its laws and regulations;
- (5) prepare and grade board examinations;
- (6) set minimum qualifications for applicants for examination and license and may establish a waiver of continuing education requirements for renewal of a license for the period in which a licensee is engaged in active duty military service as described under AS 08.01.100(f);
- (7) forward a draft of the minutes of proceedings to the department within 20 days after the proceedings;
- (8) forward results of board examinations to the department within 20 days after the examination is given;
- (9) notify the department of meeting dates and agenda items at least 15 days before meetings and other proceedings are held;
- (10) submit before the end of the fiscal year an annual performance report to the department stating the board's accomplishments, activities, and needs.

**Sec. 08.01.075. Disciplinary powers of boards.** (a) A board may take the following disciplinary actions, singly or in combination:

- (1) permanently revoke a license;
  - (2) suspend a license for a specified period;
  - (3) censure or reprimand a licensee;
  - (4) impose limitations or conditions on the professional practice of a licensee;
  - (5) require a licensee to submit to peer review;
  - (6) impose requirements for remedial professional education to correct deficiencies in the education, training, and skill of the licensee;
  - (7) impose probation requiring a licensee to report regularly to the board on matters related to the grounds for probation;
  - (8) impose a civil fine not to exceed \$5,000.
- (b) A board may withdraw probationary status if the deficiencies that required the sanction are remedied.
- (c) A board may summarily suspend a licensee from the practice of the profession before a final hearing is held or during an appeal if the board finds that the licensee poses a clear and immediate danger to the public health and safety. A person is entitled to a hearing before the board to appeal the summary suspension within seven days after the order of suspension is issued. A person may appeal an adverse decision of the board on an appeal of a summary suspension to a court of competent jurisdiction.
- (d) A board may reinstate a suspended or revoked license if, after a hearing, the board finds that the applicant is able to practice the profession with skill and safety.
- (e) A board may accept the voluntary surrender of a license. A license may not be returned unless the board determines that the licensee is competent to resume practice and the licensee pays the appropriate renewal fee.
- (f) A board shall seek consistency in the application of disciplinary sanctions. A board shall explain a significant departure from prior decisions involving similar facts in the order imposing the sanction.

**Sec. 08.01.077. Conviction as grounds for disciplinary action.** Notwithstanding any other provision of this title, the conviction under AS 47.24.010 of a person licensed, certified, or regulated by the department or a board under this title may be considered by the department or board as grounds for disciplinary proceedings or sanctions.

**Sec. 08.01.080. Department regulations.** The department shall adopt regulations to carry out the purposes of this chapter including but not limited to describing

- (1) how an examination is to be conducted;
- (2) what is contained in application forms;
- (3) how a person applies for an examination or license.

**Sec. 08.01.087. Investigative and enforcement powers of department.** (a) The department may, upon its own motion, conduct investigations to

(1) determine whether a person has violated a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010; or

(2) secure information useful in the administration of this chapter.

(b) If it appears to the commissioner that a person has engaged in or is about to engage in an act or practice in violation of a provision of this chapter or a regulation adopted under it, or a provision of AS 43.70, or a provision of this title or regulation adopted under this title dealing with an occupation or board listed in AS 08.01.010, the commissioner may, if the commissioner considers it in the public interest, and after notification of a proposed order or action by telephone, telegraph, or facsimile to all board members, if a board regulates the act or practice involved, unless a majority of the members of the board object within 10 days.

(1) issue an order directing the person to stop the act or practice; however, reasonable notice of and an opportunity for a hearing must first be given to the person, except that the commissioner may issue a temporary order before a hearing is held; a temporary order remains in effect until a final order affirming, modifying, or reversing the temporary order is issued or until 15 days after the person receives the notice and has not requested a hearing by that time; a temporary order becomes final if the person to whom the notice is addressed does not request a hearing within 15 days after receiving the notice; the commissioner or the commissioner's designee shall be the hearing officer at the hearing and shall issue a final order within 10 days after the hearing;

(2) bring an action in the superior court to enjoin the acts or practices and to enforce compliance with this chapter, a regulation adopted under it, an order issued under it, or with a provision of this title or regulation adopted under this title dealing with business licenses or an occupation or board listed in AS 08.01.010;

(3) examine or have examined the books and records of a person whose business activities require a business license or licensure by a board listed in AS 08.01.010, or whose occupation is listed in AS 08.01.010; the commissioner may require the person to pay the reasonable costs of the examination; and

(4) issue subpoenas for the attendance of witnesses, and the production of books, records, and other documents.

(c) Under procedures and standards of operation established by the department by regulation, and with the agreement of the appropriate agency, the department may designate appropriate state or municipal agencies to investigate reports of abuse, neglect, or misappropriation of property by certified nurse aides.

**Sec. 08.01.089. Copies of records for child support purposes.** If a copy of a public record concerning an individual who owes or is owed child support that is prepared or maintained by the department is requested by the child support services agency created in AS 25.27.010 or a child support services agency of another state, the department shall provide the requesting agency with a certified copy of the public record, including the individual's social security number. If these records are prepared or maintained by the department in an electronic data base, the records may be supplied by providing the requesting agency with a copy of the electronic record and a statement certifying its contents. A requesting agency receiving information under this section may use it only for child support purposes authorized under law.

**Sec. 08.01.090. Applicability of the Administrative Procedure Act.** The Administrative Procedure Act (AS 44.62) applies to regulations adopted and proceedings held under this chapter, except those under AS 08.01.087(b) and actions taken under AS 08.68.333(c).

**Sec. 08.01.100. License renewal, lapse, and reinstatement.** (a) Licenses shall be renewed biennially on the dates set by the department with the approval of the respective board.

(b) A license subject to renewal shall be renewed on or before the date set by the department. If the license is not renewed by the date set by the department, the license lapses. In addition to renewal fees required for reinstatement of the lapsed license, the department may impose a delayed renewal penalty, established by regulation, that shall be paid before a license that has been lapsed for more than 60 days may be renewed. The department may adopt a delayed renewal penalty only with the concurrence of the appropriate board.

(c) Except as provided in (f) of this section, when continuing education or other requirements are made a condition of license renewal, the requirements shall be satisfied before a license is renewed.

(d) Except as otherwise provided, a license may not be renewed if it has been lapsed for five years or more.

(e) Notwithstanding any other provision of this title, a renewal of a license may not be issued by the department to a natural person unless the licensee's social security number has been provided to the department.

(f) The department may establish and implement a waiver of continuing education requirements for renewal of a license regulated by the department and a board may establish and implement a waiver of continuing education requirements for renewal of a license regulated by the board for the period in which a licensee is engaged in active duty military service in the armed forces of the United States.

**Sec. 08.01.102. Citation for unlicensed practice or activity.** The department may issue a citation for a violation of a license requirement under this chapter, except a requirement to have a license under AS 43.70, if there is probable cause to believe a person has practiced a profession or engaged in business for which a license is

required without holding the license. Each day a violation continues after a citation for the violation has been issued constitutes a separate violation.

**Sec. 08.01.103. Procedure and form of citation.** (a) A citation issued under AS 08.01.102 must be in writing. A person receiving the citation is not required to sign a notice to appear in court.

(b) The time specified in the notice to appear on a citation issued under AS 08.01.102 shall be at least five days, not including weekends and holidays, after the issuance of the citation, unless the person cited requests an earlier hearing.

(c) The department is responsible for the issuance of books containing appropriate citations, and shall maintain a record of each book issued and each citation contained in it. The department shall require and retain a receipt for every book issued to an employee of the department.

(d) The department shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense. Upon its deposit with the court, the citation may be disposed of only by trial in the court or other official action taken by the magistrate, judge, or prosecutor. The department may not dispose of a citation, copies of it, or of the record of its issuance except as required under this subsection and (e) of this section.

(e) The department shall require the return of a copy of every citation issued by the department and all copies of a citation that has been spoiled or upon which an entry has been made and not issued to an alleged violator. The department shall also maintain, in connection with each citation, a record of the disposition of the charge by the court where the original or copy of the citation was deposited.

(f) If the form of citation includes the essential facts constituting the offense charged, and if the citation is sworn to as required under the laws of this state for a complaint charging commission of the offense alleged in the citation, then the citation when filed with a court having jurisdiction is considered to be a lawful complaint for the purpose of prosecution.

**Sec. 08.01.104. Failure to obey citation.** Unless the citation has been voided or otherwise dismissed by the magistrate, judge, or prosecutor, a person who without lawful justification or excuse fails to appear in court to answer a citation issued under AS 08.01.102, regardless of the disposition of the charge for which the citation was issued, is guilty of a class B misdemeanor.

**Sec. 08.01.105. Penalty for improper payment.** An applicant shall pay a penalty of \$10 each time a negotiable instrument is presented to the department in payment of an amount due and payment is subsequently refused by the named payor.

**Sec. 08.01.110. Definitions.** In this chapter,

- (1) "board" includes the boards and commissions listed in AS 08.01.010;
- (2) "commissioner" means the commissioner of commerce, community, and economic development;
- (3) "department" means the Department of Commerce, Community, and Economic Development;
- (4) "license" means a business license or a license, certificate, permit, or registration or similar evidence of authority issued for an occupation by the department or by one of the boards listed in AS 08.01.010;
- (5) "licensee" means a person who holds a license;
- (6) "occupation" means a trade or profession listed in AS 08.01.010.

## CHAPTER 02. MISCELLANEOUS PROVISIONS.

### Section

10. Professional designation requirements
11. Professional geologist
20. Limitation of liability
40. Access to certain mental health information and records by the state
50. Permits for use of drugs to euthanize domestic animals

**Sec. 08.02.010. Professional designation requirements.** (a) An acupuncturist licensed under AS 08.06, an audiologist or speech-language pathologist licensed under AS 08.11, a person licensed in the state as a chiropractor under AS 08.20, a professional counselor licensed under AS 08.29, a dentist under AS 08.36, a dietitian or nutritionist licensed under AS 08.38, a marital and family therapist licensed under AS 08.63, a medical practitioner or osteopath under AS 08.64, a direct-entry midwife certified under AS 08.65, a registered nurse under AS 08.68, an optometrist under AS 08.72, a licensed pharmacist under AS 08.80, a physical therapist or occupational therapist licensed under AS 08.84, a psychologist under AS 08.86, or a clinical social worker licensed under AS 08.95, shall use as professional identification appropriate letters or a title after that person's name that represents the person's specific field of practice. The letters or title shall appear on all signs, stationery, or other advertising in which the person offers or displays personal professional services to the public. In addition, a person engaged in the practice of medicine or osteopathy as defined in AS 08.64.380, or a person engaged in any manner in the healing arts who diagnoses, treats, tests, or counsels other persons in relation to human health or disease and uses the letters "M.D."

or the title “doctor” or “physician” or another title that tends to show that the person is willing or qualified to diagnose, treat, test, or counsel another person, shall clarify the letters or title by adding the appropriate specialist designation, if any, such as “dermatologist”, “radiologist”, “audiologist”, “naturopath”, or the like.

(b) A person subject to (a) of this section who fails to comply with the requirements of (a) of this section shall be given notice of noncompliance by that person’s appropriate licensing board or, if the person is not regulated by the board, by the department. If, after a reasonable time, with opportunity for a hearing, the person’s noncompliance continues, the board or department, as appropriate, may suspend or revoke the person’s license or registration, or administer other disciplinary action which in its determination is appropriate.

**Sec. 08.02.011. Professional geologist.** The commissioner of commerce, community, and economic development shall certify an applicant as a professional geologist if the applicant is certified as a professional geologist by the American Institute of Professional Geologists.

**Sec. 08.02.020. Limitation of liability.** An action may not be brought against a person for damages resulting from

- (1) the person’s good faith performance of a duty, function, or activity required as a
  - (A) member of, or witness before, a licensing board or peer review committee established to review a licensing matter;
  - (B) member of a committee appointed under AS 08.64.336(c);
  - (C) contractor or agent of a contractor under AS 08.01.050(d) or AS 08.64.101(6);
- (2) a recommendation or action in accordance with the prescribed duties of a licensing board, peer review committee established to review a licensing matter, committee appointed under AS 08.64.336(c), or contractor or agent of a contractor under AS 08.01.050(d) or AS 08.64.101(5) when the person acts in the reasonable belief that the action or recommendation is warranted by facts known to the person, board, peer review committee, committee appointed under AS 08.64.336(c), or contractor or agent of the contractor under AS 08.01.050(d) or AS 08.64.101(5) after reasonable efforts to ascertain the facts upon which the action or recommendation is made; or
- (3) a report made in good faith to a public agency by the person, or participation by the person in an investigation by a public agency or a judicial or administrative proceeding relating to the report, if the report relates to the abuse of alcohol, other drugs, or other substances by a person licensed by a board listed in AS 08.01.050(d).

**Sec. 08.02.040. Access to certain mental health information and records by the state.** (a) Notwithstanding AS 08.29.200, AS 08.63.200, AS 08.86.200, AS 08.95.900, another provision of this title, or a regulation adopted under this title, a licensee or an entity employing or contracting with a licensee may disclose confidential patient mental health information, communications, and records to the Department of Health and Social Services when disclosure is authorized under AS 47.30.540, 47.30.590, 47.30.845, or AS 47.31.032. Information, communications, and records received by the Department of Health and Social Services under this section are confidential medical records of patients and are not open to public inspection and copying under AS 40.25.110 – 40.25.120.

(b) In this section, “licensee” has the meaning given in AS 08.01.110.

**Sec. 08.02.050. Permits for use of drugs to euthanize domestic animals.** (a) A qualified agency may apply to the department and obtain a permit that authorizes the purchase, possession, and use by the agency of sodium pentobarbital, sodium pentobarbital with lidocaine, and other drugs authorized in regulations adopted by the department for the purpose of euthanizing injured, sick, or abandoned domestic animals in the lawful possession of the agency. To qualify to obtain the permit, the agency shall certify that it will

- (1) comply with applicable federal laws related to the use of the drugs; and
  - (2) not permit an employee to administer the drugs unless the employee has successfully completed a euthanasia technician certification course approved by the National Animal Control Association, the American Humane Association, or the Humane Society of the United States.
- (b) The department may revoke or suspend a permit or take another disciplinary action under AS 08.01.075 if it determines that the agency or an employee of the agency
- (1) improperly used sodium pentobarbital, sodium pentobarbital with lidocaine, or another drug authorized for use under this section;
  - (2) failed to follow federal or state laws regarding proper storage and handling of the drugs;
  - (3) allowed an employee to administer the drugs before the employee successfully completed the certification course described in (a)(2) of this section; or
  - (4) violated this title or a regulation adopted under this title.
- (c) In this section, “agency” means an animal control agency of a municipality or recognized governmental entity or an entity that has contracted with a municipality or recognized governmental entity to perform animal control or animal euthanasia services.
- (d) The department may adopt regulations to implement this section.

**CHAPTER 03.**  
**TERMINATION, CONTINUATION AND REESTABLISHMENT**  
**OF REGULATORY BOARDS.**

**Section**

**10. Termination dates for regulatory boards**

**20. Procedures governing termination, transition, and continuation**

**Sec. 08.03.010. Termination dates for regulatory boards.**

(a) *[Repealed, Sec. 4 ch 14 SLA 1987.]*

(b) *[Repealed, Sec. 4 ch 14 SLA 1987.]*

(c) The following boards have the termination date provided by this subsection:

(1) Board of Public Accountancy (AS 08.04.010 ) – June 30, 2013;

(2) Board of Governors of the Alaska Bar Association (AS 08.08.040) – June 30, 2013;

(3) State Board of Registration for Architects, Engineers, and Land Surveyors (AS 08.48.011) – June 30, 2017;

(4) Board of Barbers and Hairdressers (AS 08.13.010) – June 30, 2011;

(5) Board of Chiropractic Examiners (AS 08.20.010) – June 30, 2014;

(6) Board of Social Work Examiners (AS 08.95.010) – June 30, 2010;

(7) Board of Dental Examiners (AS 08.36.010) – June 30, 2011;

(8) Board of Certified Direct-Entry Midwives (AS 08.65.010) – June 30, 2015;

(9) *[Repealed, Sec. 4 ch 19 and Sec. 56 ch 40 SLA 2008.]*

(10) Board of Marine Pilots (AS 08.62.010) – June 30, 2013;

(11) Board of Marital and Family Therapy (AS 08.63.010) – June 30, 2010;

(12) State Medical Board (AS 08.64.010) – June 30, 2013;

(13) Board of Nursing (AS 08.68.010) – June 30, 2011;

(14) Board of Examiners in Optometry (AS 08.72.010) – June 30, 2014;

(15) Board of Pharmacy (AS 08.80.010) – June 30, 2010;

(16) State Physical Therapy and Occupational Therapy Board (AS 08.84.010) – June 30, 2014;

(17) Board of Professional Counselors (AS 08.29.010) – June 30, 2010;

(18) Board of Psychologist and Psychological Associate Examiners (AS 08.86.010) – June 30, 2010;

(19) Real Estate Commission (AS 08.88.011) – June 30, 2016;

(20) Board of Certified Real Estate Appraisers (AS 08.87.010) – June 30, 2010;

(21) Board of Veterinary Examiners (AS 08.98.010) – June 30, 2017;

(22) Big Game Commercial Services Board (AS 08.54.591) – June 30, 2012.

(d) *[Repealed, Sec. 3 ch 74 SLA 1979.]*

(e) *[Repealed, Sec. 3 ch 74 SLA 1979.]*

**Sec. 08.03.020. Procedures governing termination, transition, and continuation.** (a) Upon termination, each board listed in AS 08.03.010 shall continue in existence until June 30 of the next succeeding year for the purpose of concluding its affairs. During this period, termination does not reduce or otherwise limit the powers or authority of each board. One year after the date of termination, a board not continued shall cease all activities, and the statutory authority of the board is transferred to the department.

(b) The termination, dissolution, continuation or reestablishment of a regulatory board shall be governed by the legislative oversight procedures of AS 44.66.050.

(c) A board scheduled for termination under this chapter may be continued or reestablished by the legislature for a period not to exceed eight years unless the board is continued or reestablished for a longer period under AS 08.03.010.

(d) The department shall carry out the functions of a board that has ceased all activities under (a) of this section. Litigation, hearings, investigations, and other proceedings pending at the time the board ceased activities continue in effect and may be continued or completed by the department. Licenses, certificates, orders, and regulations issued or adopted by the board and in effect at the time the board ceased activities remain in effect for the term issued or until revoked, amended, vacated, or repealed by the department.

**CHAPTER 02.**  
**GENERAL OCCUPATIONAL LICENSING FUNCTIONS.**

**Article**

- 1. Collection of Fees**  
(12 AAC 02.010 — 12 AAC 02.030)
- 2. Occupational Licensing Fees**  
(12 AAC 02.100 — 12 AAC 02.370)
- 3. Examination Review Procedures**  
(12 AAC 02.400)
- 4. General Provisions**  
(12 AAC 02.900 — 12 AAC 02.990)

**ARTICLE 1.**  
**COLLECTION OF FEES.**

**Section**

- 10. Licensing and renewal fees**
- 15. Refund of license fees**
- 20. Prorating renewal fees**
- 30. Prorating initial renewal fees**

**12 AAC 02.010. LICENSING AND RENEWAL FEES.** (a) The department will collect fees for licensing and for license renewal for the boards and professions listed in AS 08.01.010.

(b) The department will not issue a license or renew a license unless the applicable fees established in AS 08 or in this chapter have been collected.

(c) Except as otherwise provided in this title, an application for initial licensure or renewal of license will be considered filed as of the filing date of the document, as determined by 12 AAC 02.920.

(d) *Repealed 5/4/90.*

(e) An application fee is not refundable.

**Authority:** AS 08.01.050 AS 08.01.065 AS 08.01.100  
AS 08.01.060 AS 08.01.080

**12 AAC 02.015. REFUND OF LICENSE FEES.** (a) Except as provided in (b) of this section, after a license is initially issued or renewed, the department will not refund the initial license fee or the license renewal fee.

(b) On request, the department will issue a prorated refund of a license fee paid for a licensing period in which the individual licensee dies. The department will issue the refund to the estate of the licensee. The department will not issue a refund when the estate of the licensee remains a partner in a partnership that received a license under AS 08.

(c) To request a refund under this section, the estate of the licensee shall submit to the department

(1) a written request for a refund within 12 months of the licensee's death or before the end of the licensing period in which the licensee died, whichever time period is greater; and

(2) verification of the licensee's death; the department will accept a letter from a coroner or mortuary, a death certificate, or a copy of a newspaper article as verification.

(d) The department will calculate the amount of the prorated refund described in (b) of this section based on the number of complete months remaining in the licensing period on the date of the licensee's death.

**Authority:** AS 08.01.050 AS 08.01.065 AS 08.01.080

**12 AAC 02.020. PRORATING RENEWAL FEES.** The department will prorate the first license renewal fees following initial licensure, in accordance with 12 AAC 02.030. All renewal fees, including penalty and delinquent fees must be paid by the licensee applying for renewal of a license, except as provided in 12 AAC 02.030(a)(1) and (b)(1).

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

**12 AAC 02.030. PRORATING INITIAL RENEWAL FEES.** (a) When the department issues an initial biennial license

(1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) more than 90 days but 12 months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or

(3) more than 12 months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.

(b) When the department issues an initial annual license

(1) on or within the 90 days before the date by which it must be renewed, the applicant shall pay the entire license fee but is not required to pay the prescribed renewal fee until the second renewal date;

(2) more than 90 days but six months or less before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay one-half of the prescribed renewal fee at the time of the first renewal date; or

(3) more than six months before the date by which the license must be renewed, the applicant shall pay the entire license fee, and shall pay the entire prescribed renewal fee at the time of the first renewal date.

(c) *Repealed 12/28/97.*

(d) *Repealed 9/29/2005.*

(e) The department will not prorate fees for applications, examinations, reexaminations, credential review or investigation, temporary or emergency permits, locum tenens permits, certificates, or other such fees established in AS 08 or in this chapter.

**Authority:** AS 08.01.065 AS 08.01.080 AS 08.01.100

## **ARTICLE 2. OCCUPATIONAL LICENSING FEES.**

### **Section**

**100. Fees established by department**

**102. Fees for a temporary license issued under AS 14.43.148 or AS 25.27.244; waivers; refunds**

**105. Administrative fees**

**240. Board of Marine Pilots**

**12 AAC 02.100. FEES ESTABLISHED BY DEPARTMENT.** The fees established in this chapter have been adopted by the department after considering any recommendations of the applicable board or commission listed in AS 08.01.010.

**Authority:** AS 08.01.065

**12 AAC 02.102. FEES FOR A TEMPORARY LICENSE ISSUED UNDER AS 14.43.148 OR AS 25.27.244; WAIVERS; REFUNDS.** (a) When the division issues a temporary license under AS 14.43.148 or AS 25.27.244, the division will collect the annual or biennial license fee for the trade or profession for which the temporary license is issued, subject to the refund and waiver provisions set out in this section. The temporary license fee is the amount paid to the division under this section from the annual or biennial license fee that is not refunded or waived under this section.

(b) When an individual who holds a temporary license issued under AS 14.43.148 is

(1) issued a notice of release by the Alaska Commission on Postsecondary Education and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under AS 05.10, AS 08, or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

(2) not issued a notice of release by the Alaska Commission on Postsecondary Education on or before the expiration date of the temporary license, the department will

(A) refund one-half of the annual or biennial license fee paid under (a) of this section; and

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under AS 05.10.090, AS 08, or this chapter, except as required by law.

(c) When an individual who holds a temporary license issued under AS 25.27.244 is

(1) issued a release by the child support services agency and takes the action necessary, on or before the expiration date of the temporary license, to convert the temporary license to an annual or biennial license under AS 05.10, AS 08, or AS 46.03.375, the division will waive one-half of the annual or biennial license fee for the trade or profession for which the individual is receiving an annual or biennial license;

(2) not issued a notice of release by the child support services agency on or before the expiration date of the temporary license, the department will

(A) refund one-half of the annual or biennial license fee paid under (a) of this section; and

(B) not refund a bond, cash deposit, negotiable instrument, or other mechanism to provide proof of financial responsibility that was deposited for claims under AS 05.10.090, AS 08, or this chapter, except as required by law.

(d) In this section, "annual or biennial license fee" means the initial license fee or the license renewal fee established in

(1) AS 05.10.120 or this chapter for a licensing category included under the trades and professions listed in AS 08.01.010; and

(2) 18 AAC 78.495 for certification as an underground storage tank worker.

**Authority:** AS 08.01.050 AS 14.43.148 AS 25.27.244  
AS 08.01.065

**12 AAC 02.105. ADMINISTRATIVE FEES.** Except as otherwise provided in this chapter for a particular board or occupation, the following fees apply to all boards and professions listed in AS 08.01.010:

- (1) duplicate license fee, \$5;
- (2) fee for verification or certification of an Alaska license, registration, or examination, \$20;
- (3) name change, except for construction contractors, \$5;
- (4) photocopy fee, \$.25 per page, which may be waived by the department if the total fee is less than \$5;
- (5) facsimile fee, \$1 per page, which may be waived by the department if the total fee is less than \$5;
- (6) returned check fee, \$20;
- (7) *repealed 12/28/97*;
- (8) exam postponement fee, \$25;
- (9) wall certificate fee, \$20;
- (10) fee for proctoring an examination for another state's applicant, \$50;
- (11) fee for specialized report of licensing data that the department has agreed to provide, \$100 plus the cost of supplies;
- (12) express delivery handling fee, \$20;
- (13) fee for providing the most recently printed roster of all licensees in a licensing program, other than business licensing, with
  - (A) 2,000 or less licensees, \$5;
  - (B) more than 2,000 licensees, \$15;
  - (C) *repealed 3/25/04*;
- (14) fee for a courtesy license issued under 12 AAC 02.955, \$100;
- (15) courtesy license application fee, \$50;
- (16) examination review fee, \$50.

**Authority:** AS 08.01.062 AS 08.01.065 AS 08.01.100

**12 AAC 02.240. BOARD OF MARINE PILOTS.** The following fees are established for all license and registration categories of marine pilots and vessel agents:

- (1) nonrefundable application fee for
  - (A) initial deputy marine pilot license, including the application fee for the regional comprehensive local knowledge examination, \$500;
  - (B) core examination, extension of route examination, marine pilot license, vessel agent registration, VLCC endorsement, or tonnage upgrade, \$100;
- (2) marine pilot license fee for all or part of the initial biennial license period, \$2,000, which will be waived by the department if the applicant is upgrading from a deputy marine pilot license and has paid the deputy marine pilot license fee for the same biennial license period;
- (3) biennial marine pilot license renewal fee, \$2,000;
- (4) vessel agent registration fee for all or part of the initial biennial registration period, \$800;
- (5) biennial vessel agent renewal fee, \$800;
- (6) core examination fee, \$500;
- (7) *repealed 11/15/96*;
- (8) *repealed 11/28/92*;
- (9) deputy marine pilot license fee for all or part of the initial biennial license period, \$2,000;
- (10) biennial deputy marine pilot license renewal fee, \$2,000;
- (11) *repealed 10/29/94*;
- (12) regional comprehensive local knowledge examination fee, \$500;
- (13) extension of route examination fee, \$200.

**Authority:** AS 08.01.065 AS 08.62.140

### **ARTICLE 3. EXAMINATION REVIEW PROCEDURES.**

**Section  
400. Examination review**

**12 AAC 02.400. EXAMINATION REVIEW.** (a) The division will follow the examination review procedures established in this section unless the public or private organization that prepares and owns the examination has procedures for examination review that conflict with the procedures in this section. When there is a conflict, the division will follow the procedures of the public or private organization that prepares and owns the examination.

(b) An applicant who wishes to review a failed examination shall submit a written request, and the applicable examination review fee specified in this chapter, to the division within 30 days after the notice of examination results was mailed to the applicant.

(c) All examination reviews will be conducted in the presence of division staff or the division's designee at the time and location determined by the division. An examination review will not be conducted within 30 days of the next examination the applicant is scheduled to take.

(d) Only an applicant who has failed an examination may participate in the examination review and the applicant may review only his or her own examination.

(e) An applicant may use the same reference materials during an examination review that were allowed during the examination itself, but applicants may not use other materials or take notes or make copies of any kind. All materials brought to an examination review are subject to inspection by the division staff.

(f) An applicant may challenge questions on the examination by submitting the challenge in writing during the time allowed to conduct the examination review under (h) of this section. The written challenge to an examination question must include

- (1) the applicant's name;
- (2) the date of the examination;
- (3) the title of the examination;
- (4) the number of the question being challenged; and
- (5) a detailed explanation of the reason for the challenge.

(g) A challenge to an examination question will be reviewed by the division, licensing board, or the public or private organization administering the examination. If the division, licensing board, or public or private organization administering the examination sustains a challenge to an examination question, the department will give credit to the applicant for that question.

(h) To conduct the examination review, the division will allow the applicant challenging a question under (f) of this section one half of the length of time that was allowed for the taking of the examination being reviewed.

(i) Unless otherwise provided by an organization that provides or administers an examination for the division or the release is prohibited by law or contract, the division will provide an applicant who requests an examination review with the questions answered incorrectly on the failed examination and the answer that the applicant selected only. If the examination contains multiple choice questions, the applicant may be provided with all of the answer selections to each failed question without identification of the correct answers.

**Authority:** AS 08.01.050 AS 08.01.080

#### **ARTICLE 4. GENERAL PROVISIONS.**

##### **Section**

- 900. Name and address changes**
- 910. Abandoned applications**
- 920. Filing date**
- 930. Date of lapsed license**
- 935. Effective date of license**
- 940. Effective date of renewed licenses**
- 950. (Repealed)**
- 955. Courtesy license**
- 960. Audit of compliance with continuing competency requirements**
- 965. Failure to meet continuing education requirements for renewal and reinstatement of license**
- 990. Definitions**

**12 AAC 02.900. NAME AND ADDRESS CHANGES.** (a) A person licensed, registered, or certified by a board or commission listed in AS 08.01.010, or in an occupation listed in AS 08.01.010, shall maintain a current, valid, mailing address on file with the division at all times. The latest mailing address on file with the division is the address that will be used for official communications, notifications, and service of legal process.

(b) A licensee must notify the division in writing, of a change of the licensee's address.

(c) If a licensee has a change of name, the licensee shall submit to the division within 30 days of the change of name

(1) notification of the change of the licensee's name, on a form provided by the division that has been completed by the licensee and notarized;

(2) a copy of the marriage certificate, court document, or other legal document verifying the change of name;  
and

(3) the fee established in 12 AAC 02.105 for a name change.

(d) The division will issue a new license showing the change of name if a licensee meets the requirements in (c) of this section.

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.087

**12 AAC 02.910. ABANDONED APPLICATIONS.** (a) Except if procedures are otherwise expressly provided in this title for a particular board or occupation, an application is considered abandoned when

- (1) 12 months have elapsed since correspondence was last received from or on behalf of the applicant; or
- (2) the applicant has failed to appear for two successive examinations.

(b) An abandoned application is denied without prejudice and the application fee forfeited.

(c) At the time an application is considered abandoned, the division will send notification of abandonment to the last known address of the applicant. An applicant may request a refund of all unused examination and licensing fees credited to the application by submitting a written request for refund within 30 days from the date notification of abandonment was mailed by the division. If no request for refund is received, all fees are forfeited.

**Authority:** AS 08.01.050 AS 08.01.080

**12 AAC 02.920. FILING DATE.** (a) Except as otherwise provided in this title, a document submitted to the division will be considered filed as of the postmark date of the document. If the document is submitted by a method that does not provide a postmark date, the document will be considered filed as of the date stamped on the document,

(1) except as provided in (2) of this subsection, when it is received in the division office in Juneau;

(2) for a document related to licensing for nursing under 12 AAC 44 or real estate licensing under 12 AAC 64, when it is received in the division office in Anchorage.

(b) If a filing deadline established in AS 08 or this title falls on a Saturday, Sunday, or state holiday, the deadline will be extended to the next regular state business day.

(c) For the purposes of this section, "postmark date" means the date of a document with prepaid postage and correctly addressed to the division by the United States Postal Service or other established domestic courier service.

**Authority:** AS 08.01.050 AS 08.01.080

*Editor's note: For the purposes of 12 AAC 02.920(a), the division of corporations, business and professional licensing office in the Department of Commerce, Community, and Economic Development, in Juneau is located at the State Office Building, 9th Floor, 333 Willoughby Avenue, Juneau, Alaska 99801 and the division office in Anchorage is located at the Atwood Building, 550 W. 7th Avenue, Suite 1500, Anchorage, Alaska 99501.*

**12 AAC 02.930. DATE OF LICENSE LAPSE.** For the purposes of AS 08.01.100, if a person licensed by the department or by one of the boards or commissions under AS 08.01.010 was issued a temporary license under AS 14.43.148 or AS 25.27.244 and the temporary license was not converted to an annual or biennial license under AS 05.10, or AS 08, or AS 46.03.375, the lapsed period begins from the date that the temporary license expired.

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

**12 AAC 02.935. EFFECTIVE DATE OF LICENSE.** (a) When the Alaska Commission on Postsecondary Education issues a notice of release, on or before the expiration date of the temporary license issued by the division under AS 14.43.148, the division will issue the initial license or renewal under AS 08 or AS 46.03.375. The effective date of the license is the date that the license is issued under AS 08 or AS 46.03.375, except as provided in 12 AAC 02.940(b).

(b) When the child support services agency issues a release, on or before the expiration date of the temporary license issued by the division under AS 25.27.244, the division will issue the initial license or renewal under AS 08 or AS 46.03.375. The effective date of the license is the date that the license is issued under AS 08 or AS 46.03.375, except as provided in 12 AAC 02.940(b).

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

**12 AAC 02.940. EFFECTIVE DATE OF RENEWED LICENSES.** (a) Except as provided in (b) of this section, the effective date of a renewed license will be the date a complete renewal application is filed with the division as determined by 12 AAC 02.920. A complete application includes

(1) a completed renewal form;

(2) any applicable renewal fees required by this chapter; and

(3) documentation of fulfillment of all applicable prerequisites to license renewal, such as continuing competency, recent experience, insurance coverage, or other requirements.

(b) The division will, in its discretion, show a retroactive effective date on a licensee's renewed license if the licensee

- (1) holds a license that has been lapsed less than 60 days;
  - (2) requests in writing that the division issue a renewed license showing an effective date that is earlier than the date the renewed license was issued;
  - (3) documents that the licensee was in substantial compliance with the renewal requirements in (a) of this section as of the requested effective date; and
  - (4) establishes to the satisfaction of the division that the licensee made a good faith effort to strictly comply with the renewal requirements.
- (c) The division will not issue a renewed license with an effective date that is earlier than the postmark date of the licensee's first written attempt to renew the licensee's license. "Written attempt to renew" means an effort by the licensee to submit the proper documentation to comply with the license renewal requirements. A request for a renewal application form alone does not constitute a "written attempt to renew."

**Authority:** AS 08.01.050 AS 08.01.100

**12 AAC 02.950. APPLICATION DEADLINE FOR EXAMINATION FOR AN OPTOMETRY LICENSE.**  
*Repealed 12/16/2001.*

**12 AAC 02.955. COURTESY LICENSE.** (a) If an applicant meets the requirements of this section, the department will issue a courtesy license authorizing the holder to practice one of the following professions for the limited purpose recognized by the division:

- (1) acupuncturist under AS 08.06;
- (2) audiologist under AS 08.11;
- (3) electrical administrator or mechanical administrator under AS 08.40;
- (4) funeral director or embalmer under AS 08.42;
- (5) naturopath under AS 08.45.

(b) A courtesy license issued under (a) of this section authorizes the holder to practice the profession or occupation for which the license is issued for a limited purpose recognized by the division under (f) of this section. A courtesy license does not authorize the holder to practice the profession outside the scope of the limited purpose for which the courtesy license is issued.

(c) An applicant for a courtesy license issued under (a) of this section shall submit to the department

- (1) a completed application on a form provided by the department;
- (2) the fee established in 12 AAC 02.105 for a courtesy license;
- (3) a sworn statement, signed by the applicant before a notary, that the applicant is not a resident of this state;
- (4) verification of a current license in another licensing jurisdiction to practice the profession for which a courtesy license is requested; the license in that jurisdiction must be active, in good standing, and cover the scope of practice required for the limited purpose of the courtesy license;
- (5) a description of the limited purpose of the courtesy license and the applicant's intended scope of practice under the courtesy license; and
- (6) a sworn statement, signed by the applicant before a notary, that the applicant has not previously been denied a license or had a license revoked in this or another state or other licensing jurisdiction for the profession that the courtesy license is sought.

(d) A courtesy license issued under (a) of this section is valid for no more than 90 consecutive days. The department will not issue more than two courtesy licenses for the profession to an individual within a consecutive eighteen-month period.

(e) The holder of a courtesy license issued under (a) of this section is obligated to uphold the standards of practice identified in AS 08 and in this title for the relevant profession and is subject to the relevant disciplinary provisions in AS 08 and this title.

(f) The department will recognize the following limited purposes for a courtesy license issued under (a) of this section:

- (1) provision of professional services in an emergency situation specifically recognized by the department; the department will, in its discretion, restrict the license to cover only the professional services required to respond to the emergency situation, if the department finds that the courtesy license is only needed for this purpose;
- (2) instruction or provision of professional services at a clinic or seminar focused on a subject in which the applicant for a courtesy license is a specialist.

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.02.030

**12 AAC 02.960. AUDIT OF COMPLIANCE WITH CONTINUING COMPETENCY REQUIREMENTS.**

(a) Except as provided in (b) - (j) of this section, the department will audit compliance of licenses with continuing competency requirements in accordance with this section if

- (1) the licensee is required to meet continuing competency requirements under AS 08 or this title;
- (2) *repealed 9/29/2005;*
- (3) *repealed 9/29/2005.*

(b) A licensee subject to audit under (a) of this section and applying for license renewal shall

- (1) complete and sign a statement of compliance with continuing competency requirements; and

- (2) submit the statement to the department with the application for license renewal.
- (c) Except as provided in (d) of this section, the department will select licensees for audit under (a) of this section as follows:
  - (1) ten percent of the total number of licensees in that profession if the total number of licensees is less than 3,000; or
  - (2) five percent of the total number of licensees in that profession if the total number of licensees is 3,000 or more.
- (d) The department will require that a different percent of licensees be selected for audit, if the board that regulates the profession, or the department for a profession not regulated by a board or commission, finds that a different percent to be audited is necessary to protect public health and safety.
- (e) A licensee selected for audit under (c) or (d) of this section will be notified by the department. Within 30 days of notification, the licensee shall submit to the department, documentation to verify completion of the continuing competency activities claimed on the statement submitted with the application for license renewal. The documentation must include a valid copy of a certificate or similar verification of satisfactory completion of the continuing competency activities claimed that provides
  - (1) the name of the licensee;
  - (2) the amount of continuing competency credit awarded;
  - (3) a description of the continuing competency activity;
  - (4) the dates of actual participation or successful completion; and
  - (5) the name, mailing address and signature of the instructor, sponsor, or other verifier.
- (f) A licensee subject to audit under (a) of this section is responsible for maintaining adequate and detailed records of all continuing competency activities completed and shall make the records available to the department on request. A licensee shall maintain the records until the later of
  - (1) four years from the date of completion of the continuing competency activity; or
  - (2) if the licensee was selected for audit, the date that the department notifies the licensee that the audit is completed.
- (g) The department will extend the period for providing documentation of completion of continuing competency activities if the department finds that the licensee has good cause for the need for additional time to submit the documentation required in (e) of this section.
- (h) The department will notify the respective board of a licensee's failure to comply with the department's request for records under (e) of this section.
- (i) For professions licensed by the department, the department will consider the licensee's failure to comply with the department's request for records under (e) of this section as grounds for imposition of disciplinary sanctions to the extent allowed under AS 08 and this title.
- (j) In this section, "successful completion" means the date that credit for the continuing competency activity is awarded by the instructor, sponsor, or other verifier for completion of the activity.

**Authority:** AS 08.01.050 AS 08.01.087 AS 08.01.100  
AS 08.01.080

**12 AAC 02.965. FAILURE TO MEET CONTINUING EDUCATION REQUIREMENTS FOR RENEWAL AND REINSTATEMENT OF LICENSE.** (a) Except as otherwise provided in AS 08 or this title, a license issued under AS 08 will not be renewed or reinstated if the applicant for renewal or reinstatement has not earned the required number of continuing education credits. The applicant may earn the required number of credits after the expiration date of the license. Continuing education credits earned to reinstate or renew an expired license may not be used to satisfy the continuing education requirements for a future renewal or reinstatement. Credits submitted to satisfy the continuing education requirements under this section must be approved under AS 08 and this title by the department or the applicable board.

(b) For the purposes of this section, "continuing education credits" includes continuing competency, contact hours, continuing education units (CEU's), and credit hours.

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100

**12 AAC 02.990. DEFINITIONS.** As used in this chapter

- (1) "department" means the Department of Commerce, Community, and Economic Development;
- (2) "division" means the division assigned occupational licensing functions in the Department of Commerce, Community, and Economic Development;
- (3) "license" means a license, certificate, permit, registration, or similar evidence of authority issued by the division or by one of the boards listed in AS 08.01.010;
- (4) "licensee" means a person who holds a license issued by the division or by one of the boards listed in AS 08.01.010.

**Authority:** AS 08.01.050 AS 08.01.080 AS 08.01.100