

BOARD OF WARDENS FOR PORT OF PHILADELPHIA
Act of Mar. 29, 1803, P.L. 542, No. 156

Cl. 74

An Act

An Act to establish a Board of Wardens for the port of Philadelphia, and for the regulation of pilots and pilotages, and for other purposes therein mentioned.

Compiler's Note: See sections 12 and 13 of Act 317 of 1907 for special provisions relating to enforcement of law and persons aggrieved by decisions of Board of Commissioners of Navigation.

Section 4. The Navigation Commission for the Delaware River and its navigable tributaries shall have full power and authority, under the limitations hereinafter prescribed, to grant licenses to persons to act as pilots in the Delaware Bay and River and their navigable tributaries, and to make rules for their government while employed in that service; to decide, on application of the parties in interest, all differences which may arise between masters, owners, and consignees of ships or vessels, and pilots, except in cases hereinafter excepted; to establish regulations governing the application, qualifications, recruitment, selection and training of apprentices; and to make, ordain, and publish such rules and regulations, and with such penalties for the breach thereof in respect of the matters aforesaid, as they shall deem fitting and proper: Provided, That if any person or persons, whomsoever, shall have considered themselves aggrieved by any decision or penalty imposed, said person or persons shall have the right to have such decision or penalty reviewed under 2 Pa.C.S. Ch. 7 Subch. A (relating to judicial review of Commonwealth agency action).

(4 amended June 23, 1993, P.L.114, No.27)

Section 12. Buildings and obstructions on wharves

If any person shall hereafter erect, make or fix, or cause to be erected, made or fixed, on any wharf within the City of Philadelphia, any building, inclosure or other obstruction, whereby a free passage over and along the same shall be impeded or prevented, every such person shall forfeit and pay for every such offense any sum not exceeding one hundred dollars, to be recovered in the same manner, and for the same uses, as is directed in and by the thirty-sixth section of this act, and the said wardens shall cause such building, inclosure or obstruction to be abated or removed, if the owner or occupier of any such wharf shall neglect or refuse to abate or remove the same on three days' notice from the said board of wardens: Provided always, Nevertheless, that nothing hereinbefore contained shall be taken or construed in anywise to prevent any such owner or occupier from depositing during a reasonable time, on any such wharf, goods, wares and merchandise, unladen from or about to be shipped on board of any ship or vessel, or for the purpose of being stored, always allowing a sufficient passage for carts, wagons and drays, nor in anywise to hinder any person, otherwise entitled so to do, from erecting any building or inclosure on any part of such wharf lying to the westward of low-water mark or tideway of the river Delaware.

1803, March 29, P.L. 542, Sec. 12.

Section 14. Certain ships not to occupy wharf without consent of owner., provisions if consent is improperly withheld
That no ship or vessel, which by the law of the United States may be subject to the duties of tonnage, shall be permitted to moor at, or otherwise occupy any wharf within the City or Liberties of Philadelphia, without leave first had and obtained

from the owner or possessor thereof: Provided always, That if such leave be duly applied for by the owner, agent, master, or other person having charge of any such ship or vessel and refused by the owner or possessor of any wharf within the limits aforesaid, being vacant in the whole, or such part as may reasonably accommodate the ship or vessel so applied for, and such vacancies shall not be occupied by some ship or vessel in which the owner or possessor of the wharf hath an immediate interest, for twenty-four hours after such application and refusal, it shall then and in such case be lawful for the ship or vessel first applied for, to be moored at, and occupy such wharf or part thereof, for so long time as shall be requisite for the dispatch of her business, subject, nevertheless, to the control and direction of the master warden for the time being. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 14.

Section 15. Burning or breaming of ships forbidden

If any person or persons whosoever, shall from and after the passing of this act, burn or bream, or cause to be burned or breamed, any ship or vessel or any part thereof, at or near any wharf or wharves between South and Vine Streets, in the said City (Philadelphia) he or they so offending, for every such offense, shall forfeit and pay to the said master warden the sum of one hundred and fifty dollars, to be by him recovered and appropriated as other forfeitures herein mentioned, are to be recovered and appropriated by the thirty-sixth section of this act. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 15.

Section 17. (a) Every person not now a licensed pilot, and who desires to exercise the profession of pilot in the Delaware Bay and River, shall apply to the Navigation Commission for the Delaware River and its navigable tributaries for a license to entitle the person to follow that occupation; and it shall be the duty of the Navigation Commission to call to their assistance as many pilots of the first class as they may see fit, not less than three in number, to examine every person so applying, as to the person's fitness in all respects to perform the duties of a pilot, and to grant licenses to all such as they deem qualified, according to their respective abilities: Those of the first class, to persons capable of piloting vessels of any practicable draught of water; those of the second class, to persons capable of piloting vessels drawing forty-five feet of water, or under; those of the third class, to persons capable of piloting vessels drawing forty feet of water, or under; those of the fourth class, to persons capable of piloting vessels drawing thirty-five feet of water, or under; those of the fifth class, to persons capable of piloting vessels drawing thirty-two feet of water or under; and those of the sixth class, to persons capable of piloting vessels drawing twenty-seven feet of water or under; which licenses shall be in force for one year from the date thereof, and until the pilots, respectively, shall next after the expiration of the year, arrive with any vessel at the Port of Philadelphia, and no longer; but every pilot delivering up the person's license shall be entitled to receive a new one in lieu thereof, giving like security as hereinafter directed, unless it shall appear to the Navigation Commission that the person applying is disqualified from exercising the duties of a pilot; and if any person shall in any manner exercise or attempt to exercise the profession of a pilot, except in vessels under one hundred tons burden, in the Delaware Bay or River without license duly granted, or at any time after the person's license shall have expired, the person shall be liable for a civil penalty in an amount up to twice the amount of pilotage, as calculated under existing law, and shall also

be guilty of a misdemeanor, and, upon conviction thereof, shall be imprisoned for not less than one month nor more than one year, and be fined a sum not exceeding two hundred dollars, at the discretion of the court. ((a) amended May 17, 2001, P.L.98, No.11)

(b) The Navigation Commission, after notice and hearing, is authorized to impose a civil penalty in accordance with subsection (a). Such penalty shall be payable one-half to the Navigation Commission and one-half to the Society for the Relief of Distressed and Decayed Pilots, their Widows and Children.

(c) The Navigation Commission may bring an action in the courts of this Commonwealth or any other court of competent jurisdiction to enforce the provisions of this section and shall recover in the action, in addition to any penalty imposed pursuant to subsection (b), for the benefit of the Navigation Commission and the Society for the Relief of Distressed and Decayed Pilots, their Widows and Children, all attorney fees and costs incurred in prosecuting the action.

(17 amended June 23, 1993, P.L.114, No.27)

Section 18. (a) No license shall be granted to any person to act as a pilot of the sixth class in the Delaware Bay and River unless the person has reached the age of 21 years and has served a regular apprenticeship as hereafter described, nor shall any pilot be entitled to the grant of a license as a pilot of a higher class unless the person shall first have served for at least one year as a licensed pilot in each lower class of license. To be granted a license of the first class, a pilot must have served at least one year as a sixth, fifth, fourth, third and second class pilot.

(b) According to the needs and dictates of commerce, the public interest and public safety, the Navigation Commission shall from time to time solicit applications for and make appointments of apprentice pilots. No person shall be appointed to be an apprentice who does not hold a baccalaureate degree from a recognized and duly certified college or university or a maritime academy operated by the United States or another state, or a United States Coast Guard-issued license to serve as third mate on all oceans aboard vessels of one thousand six hundred tons, or a higher class of license. The period of apprenticeship shall be four years, except for apprentices who, at the time of their appointment, hold a license issued by the United States Coast Guard to serve as third mate on all oceans aboard vessels of at least one thousand six hundred tons, whose apprenticeship need be no longer than three years. During the apprenticeship, all apprentices must make a total of at least five hundred trips over the route in vessels with pilots licensed by the Commonwealth of Pennsylvania or the State of Delaware who have experience in accordance with regulations promulgated by the Navigation Commission, and it shall be the duty of every pilot who shall so bring up or take down an apprentice to maintain a record of the trip as directed by the Navigation Commission. ((b) amended May 17, 2001, P.L.98, No.11)

(c) No license shall be granted until the person applying shall have given bond, with one sufficient surety, to the Navigation Commission in a sum not exceeding five hundred dollars nor less than three hundred dollars conditioned for the true and faithful performance of the duties and service required by this act and that the person shall not aid or assist in defrauding the revenue of the United States and that the person will deliver up the license when required by the Navigation Commission in pursuance of the provisions of this act.

(d) The provisions of subsection (a) shall apply to all apprentices appointed in May 1989 and thereafter. Should any apprentice appointed in May 1989 or thereafter hold a license as a pilot of the fourth or higher class without first having served for one year as a sixth-class pilot and one year as a fifth-class pilot, the person shall surrender the license and be issued a license of the appropriate class based on the pilot's experience and time of service as soon as possible following the effective date of this act.

(18 amended June 23, 1993, P.L.114, No.27)

Section 19. If a pilot shall fail to exercise his profession for any consecutive ninety-day period, the pilot shall be deemed to be on inactive status. A pilot on inactive status is forbidden from piloting vessels. A pilot may be removed from inactive status upon certification to the Navigation Commission that the pilot has made such refresher trips over the route as shall be deemed necessary by the Navigation Commission to assure that the pilot is fully familiar with conditions along the route. Refresher trips shall be made in the company of a first-class pilot.

(19 amended June 23, 1993, P.L.114, No.27)

Section 21. Pilot first offering services entitled to take charge of vessel; dispute as to compensation for extraordinary services

The pilot who shall first offer himself to any inward-bound ship or vessel shall be entitled to take charge thereof, except as hereinafter excepted: Provided, His license shall authorize him to pilot ships or vessels of such draught of water; and it shall be the duty of such pilot, if required so to do, to exhibit his license to the master or commander of such ship or vessel; and, in case the draught of water of such ship or vessel shall be greater than such pilot shall be licensed to carry, he may nevertheless, with the consent of the master, take charge of such ship or vessel until a pilot duly qualified shall offer.

In all cases when extraordinary services have been rendered by any pilot or pilots, the said Board of Commissioners of Navigation shall, in case the parties cannot agree, determine the compensation to be allowed for such services; and the pilot shall inform the master of every vessel he shall conduct to the port of Philadelphia of the rules and regulations necessary in reporting at the office of the President of the Board of Commissioners of Navigation. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 21; 1907, June 8, P.L. 469, Sec. 5.

Section 22. Vessel to remain at capes to allow pilot to be taken off; penalty for neglect

It shall be the duty of every master or commander of a ship or vessel outward-bound from the port of Philadelphia, and he is hereby required, to remain twenty-four hours, after his arrival at the capes, to give to the pilot on board such ship or vessel an opportunity to be taken out; and if the master or commander of such ship or vessel refuse so to do, and if the same can be done without endangering the vessel aforesaid, the master, owner or consignee of such ship or vessel shall forfeit and pay to such pilot, his executors or administrators, any sum not exceeding eight hundred dollars, to be recovered in any court of record in which the same may be sued for, by action of debt or otherwise. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 22.

Section 23. Compensation for carrying pilot to sea

If it shall so happen, that any first rate pilot, having a boat attending him, shall be carried to sea in any ship or vessel, contrary to his inclination, by stress of weather, or

other unavoidable accident, the master, owner or consignee of such ship or vessel shall pay to such pilot, his executors, or administrators, the same wages as the master of said vessel receives, until the return of said pilot to the said capes; or in case he shall die whilst so absent, then to the time of his death; and if any second-rate pilot shall be carried off as aforesaid, the same wages as the first mate of such vessel receives; and if any third-rate pilot shall be carried off as aforesaid, the same wages as the seamen of such vessel receive; and if any pilot as aforesaid, not having a boat attending him, shall be carried to sea as aforesaid, he shall be paid one-half the wages he would have been entitled to had a boat been attending. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 23.

Section 24. Compensation for carrying pilot to another port

When any inward-bound ship or vessel, having a pilot on board, shall be prevented by the ice, or by any other cause, from proceeding to the port of Philadelphia, and shall be compelled to proceed to some other port or place not in the bay and river Delaware, the pilot shall be entitled to receive and recover from the owner or consignee of such ship or vessel full pilotage, as if he had conducted such ship or vessel to the port of Philadelphia, and shall also receive the sum of eight cents for each and every mile he shall travel to his usual place of abode. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 24.

Section 25. Pilot in quarantine not to be discharged for at least six days

There shall be allowed two dollars per day to every pilot of any ship or vessel compelled to perform quarantine, for every day he may be detained, to be paid by the master, owner or consignee of any such ship or vessel; and the pilot of such ship or vessel shall not be discharged in less than six days, without his consent. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 25.

Section 26. Fees for license

From and after the passage of this act, there shall be paid by every pilot obtaining a license or branch to authorize him to act as a pilot in the bay and river Delaware, the sum of fifty cents, to be paid to the Board of Commissioners of Navigation. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 26; 1907, June 8, p.l. 469, Sec. 6.

Compiler's Note: Section 6(a) of Act 48 of 1981, which provided for the fixing of fees charged by administrative agencies, provided that section 26 is repealed insofar as it establishes a set fee for any activity inconsistent with the fees set forth in Act 48.

Section 28. And be it further enacted by the authority aforesaid:

(a) That the compensation to be paid to pilots for conducting to or from the city of Philadelphia, all dismasted or otherwise crippled vessels, which shall have been in any wise injured, so as to occasion to the said pilots any extraordinary care or trouble, shall not exceed double the amount what they otherwise would have been entitled to, of which the Board of Wardens shall judge.

(b) A vessel which has suffered a casualty limiting the capabilities of its steering, propulsion or navigational equipment or which is otherwise limited by its speed, draft or other factor in its ability to navigate such that its navigation will be of extraordinary duration or will occasion its pilot extraordinary care or trouble shall be obliged to receive two licensed pilots and pay to each the full amount of pilotage required by this act. In the event that such services are

provided by a single pilot, he may charge up to double the pilotage amount calculated in accordance with the rates under this act.

(c) Outbound deep draft vessels, as defined by the Navigation Commission, shall be assigned two pilots for the outbound passage, and the vessel's pilotage rate for such passage shall be doubled to account for the use of the two pilots.

(28 amended June 23, 1993, P.L.114, No.27)

Section 29. (a) Except vessels of less than one hundred gross tons, every foreign vessel and every vessel engaged in foreign commerce or trade entering, departing or underway upon the Delaware Bay or River and their navigable tributaries, including the C. & D. Canal, and such other waters designated pilot waters by the Navigation Commission shall be obliged to receive and employ a pilot licensed by this Commonwealth or the State of Delaware.

(b) As used in this section, a vessel engaged in foreign trade shall be defined as a vessel carrying any cargo loaded in a foreign port or destined for a foreign port, as well as any vessel in ballast, having discharged its cargo of foreign origin, unless the vessel has specific orders to a port in the United States at which it is to load cargo. Orders to a vessel to proceed to Delaware Bay, to sea or any other place for orders or instructions shall not be deemed such specific orders.

(c) If a vessel refuses or neglects to take and employ a pilot, the vessel, its master, owner, operator, charterer, consignee or agent shall:

(1) forfeit and pay to a pilot suing for same a sum equal to the pilotage of the vessel, recoverable by an action in the courts of this Commonwealth, or the pilot may pursue his remedy by filing an action in admiralty in a United States court, either in personam or in rem, to enforce the lien given him on the vessel as the pilot may see fit and proper to do;

(2) be liable, in an administrative proceeding before the Navigation Commission, to pay a civil penalty of up to twenty-five thousand dollars which penalty shall be payable one-half to the Commonwealth and one-half to the Society for the Relief of Distressed and Decayed Pilots, their Widows and Children; and

(3) be liable to the pilot for all costs and attorney fees incurred in bringing the action.

(29 amended June 23, 1993, P.L.114, No.27)

Section 31. (a) Pilots regulated under this chapter shall be subject to disciplinary action if after a hearing the Navigation Commission finds:

(1) illegal, incompetent or negligent conduct in the performance of piloting;

(2) failure to file a marine casualty report;

(3) failure to obey rules of the nautical road;

(4) inability on the part of the pilot to practice the profession with reasonable skill and safety by reason of physical illness;

(5) inability on the part of the pilot to practice the profession with reasonable skill and safety by reason of loss of motor skill;

(6) inability on the part of the pilot to practice the profession with reasonable skill and safety by reason of emotional disorder or mental illness, including alcohol or drug abuse; or

(7) violation of a lawful provision of this chapter or any lawful regulation established thereunder. (b) In considering

any of the foregoing conditions, the Navigation Commission may order a pilot to submit to a reasonable physical or mental examination.

(c) Subject to the requirements of 2 Pa.C.S. (relating to administrative law and procedure), no license shall be restricted, suspended or revoked by the Navigation Commission, and no pilot's right to practice shall be limited by the Navigation Commission until the pilot has been given notice and an opportunity to be heard in accordance with 2 Pa.C.S.

(31 amended June 23, 1993, P.L.114, No.27)

Section 31.1. (a) The Navigation Commission may impose any of the following sanctions, singly or in combination, when it finds that one or more of the conditions or violations set forth in section 31 apply to a pilot regulated by this act:

- (1) issue a letter of reprimand;
- (2) censure a pilot;
- (3) place a pilot on probationary status and require the pilot to:
 - (i) report regularly to the Navigation Commission upon the matters which are the basis of the probation;
 - (ii) limit all practice and professional activities to those areas prescribed by the Navigation Commission;
 - (iii) continue or renew the pilot's professional education until the required degree of skill has been attained in those areas which are the basis of the probation; or
 - (iv) attend an alcohol or drug treatment program approved by the Navigation Commission;
- (4) levy a fine not to exceed \$1,000;
- (5) suspend the pilot's license; or
- (6) revoke the pilot's license.

(b) The Navigation Commission may withdraw or reduce conditions of probation when it finds that the deficiencies which required the action have been remedied.

(c) The Navigation Commission may temporarily suspend a pilot's license under circumstances determined by the Navigation Commission to be an immediate and clear danger to public health and safety. The Navigation Commission shall issue an order to that effect without a hearing, but upon due notice to the licensee concerned at his or her last known address, which shall include a written statement of all allegations against the licensee. The Navigation Commission shall thereupon commence formal action to suspend, revoke or restrict the license of the person concerned as otherwise provided for in this act. All actions shall be taken promptly and without delay. Within thirty days following the issuance of an order temporarily suspending a license, the Navigation Commission shall conduct or cause to be conducted a preliminary hearing to determine that there is a prima facie case supporting the suspension. The licensee whose license has been temporarily suspended may be present at the preliminary hearing and may be represented by counsel, cross-examine witnesses, inspect physical evidence, call witnesses, offer evidence and testimony and make a record of the proceedings. If it is determined that there is not a prima facie case, the suspended license shall be immediately restored. The temporary suspension shall remain in effect until vacated by the Navigation Commission, but in no event longer than one hundred eighty days.

(31.1 added June 23, 1993, P.L.114, No.27)

Section 32. Mode of recovery

It shall and may be lawful, upon complaint made by any pilot to the mayor or any alderman in the city of Philadelphia, or to any Justice of the Peace in any county within this

Commonwealth, and they are hereby respectively empowered and required to issue forth a precept in writing, under hand and seal, in the nature of a summons, capias or attachment, as the case may require, directed to any constable, commanding him to bring or cause to come before such mayor, alderman or justice, any person or persons against whom such complaint shall be made, respecting any demand on masters of vessels, owners, consignees or others, respecting pilotage, or other claims as pilots, and thereupon proceed to hear the proofs and allegations of the said parties, or such of them as shall appear, and to determine and pass judgment thereon, where the same shall not exceed the sum of twenty-six dollars and sixty-seven cents, in like manner as debts not exceeding ten pounds are by the laws of this commonwealth recoverable, and subject to the like appeal, security, trial and costs; and that all such claim or demand, for a sum or sums of money, exceeding twenty-six dollars and sixty-seven cents, shall be sued for and recovered, with costs of suit, by action of debt, case, bill, plaint or information, in any court of record within this state. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 32.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 33. Pilot's report; penalty for neglect

Every pilot that shall pilot any ship or vessel to the port of Philadelphia shall, within forty-eight hours next after her arrival at the said port, make report thereof to the said Board of Commissioners of Navigation, specifying the names of the master and ship or vessel, and, to the best of his information, the number of persons on board such ship or vessel; and if any pilot shall neglect or refuse so to do, or knowingly make a false report, he shall forfeit and pay, for every such offense, the sum of twelve dollars, for the use of decayed pilots, their widows and children, to be recovered as other fines and forfeitures are by this act recoverable. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 33; 1907, June 8. P.L. 469, Sec. 9.

Section 34. Damages to pilot boat; liability of master

If any pilot, endeavoring to assist or relieve any ship or vessel in distress, shall suffer loss or damage to his boat, her sails, tackle, rigging or appurtenances, the master, owner or consignee of such ship or vessel shall be liable to pay to such pilot the value of such loss or damage, to be ascertained by the said Board of Commissioners of Navigation, as shall appear to them just. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 34; 1907, June 8, P.L. 469, Sec. 10.

Section 35. Persons taking up anchor or cable to report; to advertise for owner; compensation to be paid owner

Whenever any person or persons whosoever shall take or cause to be taken up, within the bay or river Delaware, any anchor or cable, he or they shall bring the same to the port of Philadelphia, and immediately file a written notice thereof, in the office of the wardens of the said port, stating the time when and the place where such anchor or cable was taken up, and shall also cause a copy of such notice forthwith to be inserted in one of the English newspapers of the city of Philadelphia, and continue therein twice a week for the space of two months, unless the owner or owners thereof, his or their agent or agents, shall, before the expiration of the said period, file a claim in writing in the said office, to such anchor or cable, and if upon the filing of such claim sufficient proof of the

property of such claimant be made within a reasonable time, to the satisfaction of the board of wardens, every anchor or cable so taken up and claimed as aforesaid, shall be restored to its proper owner or owners, his or their agent or agents; he or they paying to the person or persons, so taking up and bringing the same to the said port, one-half of the value thereof, if taken up between the northernmost part of reedy Island and the capes of Delaware, and one-third of the value thereof, if taken up between the northernmost part of said island and the port of Philadelphia; which valuation shall be made by two persons respectively to be chosen by the parties, who in case of disagreement shall appoint a third, whose decision shall be final; If no claim shall be so filed within the period aforesaid, the anchor or cable so taken up and brought to the said port shall be vested in and become the property of the person or persons who may have taken up the same; and if any person or persons, who shall have so taken up any anchor or cable, neglect or refuse to observe or comply with the directions above mentioned, he or they shall forfeit and pay for every such offense the sum of fifty dollars, to be sued for, recovered and applied for the use of decayed pilots, their widows and children, by the master warden of the said port: Provided always, That if the fine or penalty aforesaid shall be recovered from any person other than a pilot, the money so recovered shall go to the board of wardens, to defray the contingent expenses of said board. 1803, March 29, P.L. 542, 4 sm. L. 67, Sec. 35.

Section 36. Recovery of fines, penalties, etc.; disposition of; returns to State Treasurer; report to Auditor General

All forfeitures, penalties, sum or sums of money, in this act mentioned or accruing by virtue thereof, and not otherwise directed and appropriated, shall be payable, sued for, recovered and applied in manner and form following; that is to say, all the said forfeitures, penalties, sum or sums of money, shall be sued for and recovered by said Board of Commissioners of Navigation, for the use of the Board of Commissioners of Navigation, with costs of suit, before any magistrate of the city of Philadelphia, or before any Justice of the Peace of any other county in this State, where the same shall not exceed the sum of one hundred dollars, in like manner as other debts are by the laws of this Commonwealth recoverable, and subject to the like appeal, security, trial and costs; and that all such forfeitures, penalties, sum and sums of moneys, as shall amount to more than one hundred dollars, shall be sued for and recovered, with costs of suit, in any court of record within this State; and that all the fines, forfeitures, penalties, sum or sums of money, received by the Board of Commissioners of Navigation by virtue of this act, and not otherwise appropriated, shall be by them paid to the State Treasurer, once in every three months, for the special use and purpose of paying of incidental expenses arising from the due execution of this act; and to this end, all the said fines, forfeitures, penalties, sum or sums of money, so as aforesaid to be paid to the said treasurer, in pursuance of this act, shall remain in the hands of said treasurer, especially appropriated for the purpose, and subject to the drafts, of the Board of Commissioners of Navigation, for all or any of the purposes aforesaid, and for no other use or purpose whatsoever; and to the end and intent that fair and just accounts shall be kept and settlements made by the said Board of Commissioners of Navigation, of all their transactions in pursuance of this act, they are hereby enjoined and required to exhibit true and just

accounts of them, once in three months, to the Auditor General, who is hereby authorized and required to settle and adjust the same, in like manner as other accounts are settled by him, agreeably to the laws of this Commonwealth subject to the like appeal, security, trial and costs, as in other cases of appeal from any settlement made before him, and in like manner to proceed to recover such balance or balances as, on such settlement or settlements, shall be found due from them or any of them. 1803, March 29, P.L. 542, 4 sm. L. 67. Sec. 36; 1907, June 8, P.L. 469, Sec. 11.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 37. (a) All pilots, upon being issued an original license or upon renewal thereof, shall pay to the Navigation Commission a fee of four hundred dollars. Increases to the fee shall be fixed by the Navigation Commission by regulation but shall not exceed five hundred twenty-five dollars, which shall be subject to review in accordance with the act of June 25, 1982 (P.L.633, No.181), known as the "Regulatory Review Act." If the projected revenues to be generated by fees, fines and civil penalties imposed under this act are not sufficient to match expenditures over the renewal period, the Navigation Commission shall increase the fees by regulation, subject to review under the "Regulatory Review Act," so that the projected revenues will meet or exceed projected expenditures: Provided, however, That the total amount of any such fee may not exceed five hundred and twenty-five dollars annually.

(b) If the Bureau of Professional and Occupational Affairs determines that the fees established by the Navigation Commission are inadequate to meet the minimum enforcement efforts required, the Bureau of Professional and Occupational Affairs, after consultation with the Navigation Commission, shall increase the fees by regulation subject to review under the "Regulatory Review Act" so that adequate revenue is raised to meet the required enforcement effort: Provided, however, That the total amount of any such fee may not exceed five hundred and twenty-five dollars annually.

(37 amended Nov. 4, 2016, P.L.1147, No.147)

APPENDIX

----- Supplementary Provisions of Amendatory Statutes -----

1907, JUNE 8, P.L.469, NO.317

Section 12. It shall be the duty of the said Board of Commissioners of Navigation to take the necessary action to enforce the laws of the Commonwealth pertaining to pilots and pilotages in the bay and river Delaware.

Section 13. If any person or persons shall be aggrieved by any decision rendered by the said Board of Commissioners of Navigation, as to any matter or thing under this act, the said person or persons may, within thirty days after the date of the said decision, present a petition to the court of common pleas

of the county in which the said matter may arise or the said decision may be made, setting forth the facts of the case and the ground of the petitioners complaint; and thereupon the said court, having first caused due notice of the presentation of the said petition and of the time fixed for the hearing thereof to be given to all persons whom they may deem legally interested therein, shall proceed to hear and determine the subject matter of the said petition, and shall make such order in the premises as they may think the Board of Commissioners of Navigation should have made, and the said order shall be final and conclusive. Such appeal shall act as a supersedeas, and, pending the final adjudication therein, all proceedings in pursuance of said order, decision or refusal shall be suspended. It shall be lawful for the said court to appoint a commissioner to take evidence to be used in the said hearing, and to make such order for the payment of the costs, by one or more of the parties to the proceedings, as justice may require.