

Final Board for Branch Pilots Regulations

**18 VAC 45-20-40      Grounds for denial of licensure, denial of renewal, or discipline.**

The board shall have the authority to deny initial licensure, deny an extension of license, or deny renewal as well as to discipline existing licensees, whether limited or not, for the following reasons:

1.      Having been convicted or found guilty regardless of adjudication in any jurisdiction of the United States of any felony or a misdemeanor involving moral turpitude or any alcohol or drug-related offense there being no appeal pending there from or the time for appeal having elapsed. Any plea of nolo contendere shall be considered a conviction for the purposes of this paragraph. The record of a conviction certified or authenticated in such form as to be admissible in evidence of the laws of the jurisdiction where convicted shall be admissible as prima facie evidence of such conviction;
  
2.      Failing to inform the board in writing within 30 days of pleading guilty or nolo contendere or being convicted or found guilty of any felony or of a misdemeanor involving moral turpitude;
  
3.      Failing to report to the board in writing any reports of the National Transportation Safety Board involving the licensee, or the results of any disciplinary action taken by the United States Coast Guard taken against the licensee within 30 days of that report or action;

Final Board for Branch Pilots Regulations

4. Refusing or in any other way failing to carry out an order from the pilot officers for reasons other than the public's health, safety, ~~and~~ or welfare;
5. Negligence or misconduct in the performance of duties;
6. Violating or cooperating with others in violating any provision of Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 of the Code of Virginia, as amended, or any regulation of the board;
7. Failing to, as soon as possible under the circumstances, report to the pilot officers his finishing time and other required information relating to the particulars of the ship;
8. Failing to file immediately with the president or vice president of the board with a copy to the board administrator a complete written account of any violation of the statutes of Virginia or of the United States relating to pilotage or failing to report in writing to the president or vice president of the board with a copy to the board administrator, an account of all collisions, groundings, or other maritime mishaps of any description that may occur during the discharge of the pilot's duties. This report shall be received no later than seven days after such an incident;

## Final Board for Branch Pilots Regulations

9. Failing to report to the board any physical or mental condition which may affect his ability to perform the duties of a pilot. Such reports shall be provided within 30 days of the onset of the condition;
10. Refusal to comply with the board's requirement for a chemical test. Such test is required immediately and no later than 12 hours after involvement in a collision, grounding, or other incident resulting in personal injury, death, environmental hazard, or property damage in excess of \$100,000. Refusal to comply with this requirement may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;
11. Refusal to comply with any board requirement for chemical tests in any instance in which the board has cause to believe a test is necessary to protect the public health, safety, or welfare. Refusal to comply with this requirement may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;
12. Failure to send proof of any test required by subdivision 10 or 11 of this section to the president or vice president of the board with a copy to the board administrator within 48 hours of the administration of the test;
13. A positive finding as a result of, or on, any substance abuse or chemical test as a result of which the board believes there is a threat to the public health,

Final Board for Branch Pilots Regulations

safety ~~and~~ or welfare. Such a finding may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia;

14. Evidence of impaired performance in any instance in which the board believes there is a threat to the public health, safety ~~and~~ or welfare. Such a finding may result in summary suspension of the pilot's license in accordance with § 54.1-902 of the Code of Virginia.
15. Performing or attempting to perform any of the duties of his office or job while under the influence of illegal drugs;
16. Performing or attempting to perform any of the duties of his office or job while under the influence of alcohol, or any medication (controlled substance or otherwise) to the extent that he was unfit for the performance of the duties of his office or job; and
17. Failing to comply with any of the provisions of section 18 VAC 45-20-50 of this chapter.

*I certify that this regulation is full, true and correctly dated.*

\_\_\_\_\_  
*Mark N. Courtney, Executive Director*  
*Department of Professional and Occupational Regulation/Board for Branch Pilots*

\_\_\_\_\_  
*Date*