

Secretary of State
NOTICE OF PROPOSED RULEMAKING*
A Statement of Need and Fiscal Impact accompanies this form

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Public Utility Commission, Board of Maritime Pilots
Agency and Division
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Address

856
Administrative Rules Chapter Number
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Telephone

RULE CAPTION

Amends time window for requiring physical examinations as part of license renewals.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing

ADOPT:

AMEND:

856-010-0015

REPEAL:

RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

AMEND AND RENUMBER: Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.

Statutory Authority:

ORS Chapter 776

Other Authority:

Statutes Implemented:

776.115(4)&(7)

RULE SUMMARY

Extends the time frame for obtaining federal physicals for license renewals from three months to eleven months prior to state license expiration.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

04-05-2017 Close of Business Susan Johnson susan.johnson@state.or.us
Last Day (m/d/yyyy) and Time Rules Coordinator Name Email Address
for public comment

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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856
Administrative Rules Chapter Number

Amends time window for requiring physical examinations as part of license renewals.

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of:

the Amendment of OAR 856-010-0015

Statutory Authority:

ORS Chapter 776

Other Authority:

Statutes Implemented:

776.115(4)&(7)

Need for the Rule(s):

Addresses disconnect between the need to obtain physicals for both federal and state license renewals. Disparity in timing leads to the need to obtain two physicals in one year for each renewal.

Documents Relied Upon, and where they are available:

Issue Statement 2/9/2017 Board Meeting; Medical Oversight Committee Meeting 1-6-2017; available at office of Board of Maritime Pilots.

Fiscal and Economic Impact:

Potentially reduces the cost for having to obtain duplicate physicals in one year for both a federal and a state license renewal.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

N/A

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

N/A

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

N/A

c. Equipment, supplies, labor and increased administration required for compliance:

N/A

How were small businesses involved in the development of this rule?

N/A

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:

04-05-2017 Close of Business

Susan Johnson

susan.johnson@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

Renewal of License

- (1) Application for renewal of license shall be made on a form provided by the board, signed by the applicant, accompanied by the physical examination form provided by the board and presented to the administrator of the board at least thirty (30) days prior to expiration of license.
- (2) ~~All~~ **Every** state-licensed pilots shall be required to have an annual physical examination by an Oregon or Washington licensed physician within ~~ninety (90) days~~ **eleven (11) months** prior to **the date the pilot is required to submit application for renewal of license to the board** ~~expiration of their license~~, the physical requirements for which are the same as for the original license as specified in OAR 856-010-0010(2), except for drug testing.
- (3) All state-licensed pilots shall, within six months prior to the expiration of their license, submit to a test indicating licensee is free of illegal substance abuse. Testing will be for the presence of Cocaine, Opiates, Marijuana (THC), Amphetamines and PCP (phencyclidine). Testing will be in accordance with the Department of Transportation (Coast Guard) guidelines outlined in the Code of Federal Regulations 46, CFR § 16 (2009). Urine specimens are to be analyzed by a laboratory that meets DHHS regulations set forth by the National Institute of Drug Abuse (NIDA); or provide proof to the board that licensee is participating in a US Coast Guard approved random drug testing program;
- (4) All applicants for renewal of licenses shall submit a photocopy of their currently applicable United States government license with radar endorsement issued by the United States Coast Guard.
- (5) All applicants for renewal of unlimited licenses shall provide certification of meeting the continuing professional development requirements specified in OAR 856-010-0027. Unless waived as provided below in this paragraph, failure to comply with all requirements for renewal of license shall constitute the failure to submit a complete application for renewal and will result in the withholding of the renewal license. A pilot who is unable to complete the requirements within the time allowed due to unexpected, emergency circumstances may request in writing a waiver and the Board may, upon good cause shown, permit a license renewal for one year without the requirements being met, provided that all required certifications must be made by the applicant at the time application for renewal is made the following year.
- (6) Each license issued is valid for one year and only the unlimited state license may be renewed.
- (7) Notwithstanding subsection (4) of this section, if a pilot has submitted an application for renewal of the pilot's federal license at least 60 days prior to the expiration date of his federal license, but the United States Coast Guard has not completed its renewal process by the expiration date for the federal license and the pilot has, for that reason, no currently applicable federal license at the time of renewing his state license, then the board may issue a provisionally renewed state license. Any pilot to whom a provisionally renewed state license is issued must report to the board every 30 days regarding the status of the pilot's federal license renewal. If the United States Coast Guard completes its processing for the federal license but declines to renew the federal license, the board may treat the refusal to renew the federal license as a suspension or revocation of the federal license.