

HARBORS & NAVIGATION CODE

ARTICLE 3 FOR-HIRE VESSEL OPERATORS' LICENSES

760. Definition of for-hire vessels.

As used in this article, "for-hire vessel" includes any vessel propelled by machinery carrying more than three passengers for hire, except the following:

- (a) A seaplane on the water.
- (b) A watercraft specifically designed to operate on a permanently fixed course, the movement of which is restricted to or guided on such permanently fixed course by means of a mechanical device on a fixed track or arm to which the watercraft is attached or by which the watercraft is controlled, or by means of a mechanical device attached to the watercraft itself.

761. Waters on which license is required.

No for-hire vessel, while carrying passengers for hire, shall be operated or navigated on the waters of this state except by a person who holds a valid license issued by the department pursuant to the provisions of this article. This requirement, however, shall not apply to persons who operate a for-hire vessel on waters of this state which have been declared to be navigable by agencies of the federal government.

762. Application for license.

An applicant for an operator's license shall submit his written verified application to the department. The application shall be in such form and contain such information as the department requires.

764. Examination requirements.

Upon application for an operator's license, the department shall require an examination of the applicant. The department shall adopt rules and regulations establishing the requirements for the examination which will demonstrate to the department the applicant's competency in the operation of vessels.

If an applicant presents a valid operator's license issued pursuant to the provisions of the Federal Motorboat Act of 1940 (Title 46, U.S.C., Section 526f) or the federal act of May 10, 1956, (Title 46, U.S.C. 390-390g), the department may issue an operator's license without requiring an examination.

765. Scope of examination.

The examination may include a test of the applicant's knowledge of safety rules, an actual demonstration of his ability to exercise ordinary and reasonable control in operating a vessel, and his mental and physical fitness. The examination may also include an inspection of the for-hire vessel.

766. Issuance of license, procedure on refusal.

Upon completion of the examination, the department may, with or without hearing, issue the operator's license or issue it for the partial exercise only of the privilege sought, and may attach to the exercise of the rights granted by the license such terms and conditions as, in its judgment, the public safety requires.

cont. 766. Issuance of license, procedure on refusal.

If the department refuses to grant an operator's license the proceedings shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the department shall have all the powers granted therein.

767. License duration, renewal requirements.

An operator's license issued by the department pursuant to the provisions of this article shall be valid for five years from the date of issuance or renewal and may be renewed every five years thereafter unless suspended or revoked pursuant to Section 768. The department may adopt rules and regulations establishing the requirements for renewal of any license issued under this article, including therein requirements for acuity of vision, color sense and general physical condition.

768. Revocation of license.

(a) The department may suspend or revoke any license issued pursuant to this article on a finding that the licensee has violated any of the provisions in this chapter, or has violated any of the regulations promulgated pursuant to carrying out the provisions of this article. The department may also revoke any license issued pursuant to this article upon any of the grounds which authorize the refusal to issue a license.

If the department suspends or revokes an operator's license, the proceedings shall be in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code, and in all cases the department shall have all the powers granted therein.

(b) The period of time for suspension during which the person may not apply for his license shall be determined by the department. The department shall not renew an operator's license which has been revoked until the expiration of one year after the date of such revocation unless the revocation was for a cause which has been removed.

769. Administration and enforcement.

The department shall be responsible for administering the licensing of operators of for-hire vessels and for enforcing the provisions of this article, and in this connection may inspect for-hire vessels as defined in Section 760 on waters of this state other than those waters which have been declared to be navigable by agencies of the federal government.

770. Departmental regulations.

The department may make rules and regulations to carry out the provisions of this article.

771. Violation; misdemeanor.

It is unlawful and constitutes a misdemeanor for any person to violate, or to fail to comply with, any provision of this article after April 1, 1964.

772. Jurisdiction of public utilities commission.

The authority and power granted to the department in this article shall not be construed to conflict with or diminish in any manner the jurisdiction of the Public Utilities Commission over for-hire vessels or common carriers, as those terms are defined in the Public Utilities Code.