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Title 46 — Shipping

Chapter III — Coast Guard (Great Lakes Pilotage), Department of Homeland Security

Part 401 — Great Lakes Pilotage Regulations

Subpart D — Rates, Charges, and Conditions for Pilotage Services

Authority: 46 U.S.C. 2103, 2104(a), 6101, 7701, 8105, 9303, 9304; DHS Delegation No. 00170.1, Revision No. 01.4, paragraphs (II)(92)(a), (d), (e), (f).

§ 401.431 Disputed charges.

- (a) Any rate or charge applied against any vessel, owner, or Master thereof by a Registered Pilot or pilot association that the owner or Master disputes as a charge prohibited by § 401.430 may be appealed to the Director, within 60 business days of the date the pilot association issues the bill, for an advisory opinion as to whether such rate or charge is a prohibited charge.
- (b) The appeal must be official correspondence from either the vessel owner, vessel charterer, or an agent or employee empowered to speak on behalf of the owner or charterer. The appeal must be supported by evidence that a reasonable attempt has been made to resolve the matter between the parties and that a bona fide controversy exists. The correspondence must articulate the following:
 - (i) Vessel name, date of service, and reference number for the invoice/bill;
 - (ii) Exact amount of dispute;
 - (iii) Regulatory citation for dispute; and
 - (iv) Requested resolution.
- (c) The pilot association must be furnished with a copy of the appeal and be notified by the owner or charterer that the matter has been appealed for an advisory opinion.
- (d) The pilot association must be allowed 20 business days from receiving the notice of appeal in which to provide any data or arguments desired to be submitted in further defense of the disputed charges.
- (e) The Director must consider all relevant matters presented and issue an advisory opinion within 30 business days of receiving the pilot association's submission(s) per paragraph (d) of this section. The advisory opinion must set forth the rates and charges in dispute, a discussion of the facts and relevant information considered, and a statement of opinion.
- (f) When the opinion of the Director is that the disputed rates or charges are prohibited by § 401.430, the respondent must refund moneys, adjust invoices, and otherwise conform to the advisory opinion within thirty (30) business days.
- (g) Failure or refusal to comply with the advisory opinion within the time allowed may form a basis for a determination that there is a violation of the Great Lakes Pilotage Regulations subject to the provisions of § 401.500.
- (h) The pilot association or vessel owner may appeal the advisory opinion to the Director of Marine Transportation Systems (CG-5PW), no later than 10 business days after receiving the advisory opinion, for a final adjudication.

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