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By Representatives R. Fisher, Schmidt, Zellinsky, R. Meyers, Orr and Van Luven

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1 AN ACT Relating to pilotage; and amending RCW 88.16.010, 88.16.035,
2 88.16.050, 88.16.070, 88.16.090, and 88.16.110.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 88.16.010 and 1991 c 200 s 1001 are each amended to
5 read as follows:

6 (1) The board of pilotage commissioners of the state of Washington
7 is hereby created and shall consist of (a) the assistant secretary of
8 marine transportation of the department of transportation of the state
9 of Washington((~~7~~)) or the assistant secretary's designee who shall be
10 an employee of the marine division(~~(7, who shall be chairperson)~~) and
11 report directly to the assistant secretary of marine transportation,
12 (b) the administrator of the office of marine safety((~~7~~)) or the
13 administrator's designee, and (c) seven members appointed by the
14 governor and confirmed by the senate. The secretary or the secretary's
15 designee shall be the chairperson of the board. Each of the appointed
16 commissioners shall be appointed for a term of four years from the date
17 of the member's commission. No person shall be eligible for
18 appointment to the board unless that person is at the time of
19 appointment eighteen years of age or over and a citizen of the United

1 States and of the state of Washington. Two of the appointed
2 commissioners shall be pilots licensed under this chapter and actively
3 engaged in piloting upon the waters covered by this chapter for at
4 least three years immediately preceding the time of appointment and
5 while serving on the board. One pilot shall be from the Puget Sound
6 pilotage district and one shall be from the Grays Harbor pilotage
7 district. Two of the appointed commissioners shall be actively engaged
8 in the ownership, operation, or management of deep sea cargo and/or
9 passenger carrying vessels for at least three years immediately
10 preceding the time of appointment and while serving on the board. One
11 of said shipping commissioners shall be a representative of American
12 and one of foreign shipping. One of the commissioners shall be a
13 representative from a recognized environmental organization concerned
14 with marine waters. The remaining commissioners shall be persons
15 interested in and concerned with pilotage, maritime safety, and marine
16 affairs, with broad experience related to the maritime industry
17 exclusive of experience as either a state licensed pilot or as a
18 shipping representative.

19 (2) Any vacancy in an appointed position on the board shall be
20 filled by the governor for the remainder of the unfilled term, subject
21 to confirmation by the senate.

22 (3) Five members of the board shall constitute a quorum. At least
23 one pilot, one shipping representative, and one public member must be
24 present at every meeting. All commissioners and the chairperson shall
25 have a vote.

26 **Sec. 2.** RCW 88.16.035 and 1987 c 264 s 1 are each amended to read
27 as follows:

28 The board of pilotage commissioners shall:

29 (1) Adopt rules, pursuant to chapter 34.05 RCW as now existing or
30 hereafter amended, necessary for the enforcement and administration of
31 this chapter;

32 (2) License pilot applicants meeting the qualifications and passing
33 the examination as provided for in RCW 88.16.090 as now or hereafter
34 amended and to establish additional training requirements, including a
35 program of continuing education developed after consultation with pilot
36 organizations, including those located within the state of Washington,
37 as required to maintain a competent pilotage service;

1 (3) Maintain a register of pilots, records of pilot accidents and
2 other history pertinent to pilotage, along with a roster of vessels,
3 agents, owners, operators, and masters necessary for the maintenance of
4 a roster of persons interested in and concerned with pilotage and
5 maritime safety;

6 (4) Annually fix the pilotage tariffs for pilotage services
7 performed aboard vessels as required by this chapter: PROVIDED, That
8 the board may fix extra compensation for extra services to vessels in
9 distress, for awaiting vessels, or for being carried to sea on vessels
10 against the will of the pilot, and for such other services as may be
11 determined by the board;

12 (5) File annually with the governor and the chairs of the
13 transportation committees of the senate and house of representatives a
14 report which includes, but is not limited to, the following: The
15 number, names, addresses, ages, pilot license number, and years of
16 service as a Washington licensed pilot of any person licensed by the
17 board as a Washington state pilot; the names, employment, and other
18 information of the members of the board; the total number of pilotage
19 assignments by pilotage district, including information concerning the
20 various types and sizes of vessels and the total annual tonnage; the
21 annual earnings of individual pilots before and after deduction for
22 expenses of pilot organizations, including extra compensation as a
23 separate category; the annual expenses of private pilot associations,
24 including personnel employed and capital expenditures; the status of
25 pilotage tariffs, extra compensation, and travel; the retirement
26 contributions paid to pilots and the disposition thereof; the number of
27 groundings, mishaps, or other incidents which are reported to or
28 investigated by the board, and which are determined to be accidents, as
29 defined by the board, including the vessel name, location of incident,
30 pilot's name, and disposition of the case together with information
31 received before the board acted from all persons concerned, including
32 the United States coast guard; the names, qualifications, time
33 scheduled for examinations, and the district of persons desiring to
34 apply for Washington state pilotage licenses; summaries of dispatch
35 records, quarterly reports from pilots, and the bylaws and operating
36 rules of pilotage organizations; the names, sizes in deadweight tons,
37 surcharges, if any, port of call, name of the pilot, and names and
38 horsepower of tug boats for any and all oil tankers subject to the
39 provisions of RCW 88.16.190 together with the names of any and all

1 vessels for which the United States coast guard requires special
2 handling pursuant to their authority under the Ports and Waterways
3 Safety Act of 1972; the expenses of the board; and any and all other
4 information which the board deems appropriate to include;

5 (6) Publish a manual which includes the pilotage act and other
6 statutes of Washington state and the federal government which affect
7 pilotage, including the rules of the board, together with such
8 additional information as may be informative for pilots, agents,
9 owners, operators, and masters. Such manual shall be distributed
10 without cost to all pilots and governmental agencies upon request. All
11 other copies shall be sold for a five dollar fee with proceeds to be
12 credited to the pilotage account;

13 (7) Appoint advisory committees and employ marine experts as
14 necessary to carry out its duties under this chapter;

15 (8) Provide for the maintenance of efficient and competent pilotage
16 service on all waters covered by this chapter; and do such other things
17 as are reasonable, necessary, and expedient to insure proper and safe
18 pilotage upon the waters covered by this chapter and facilitate the
19 efficient administration of this chapter;

20 (9) Review and take appropriate action on all budgetary items
21 relating to the operation of the commission and forward its actions and
22 recommendations to the assistant secretary of marine transportation.

23 **Sec. 3.** RCW 88.16.050 and 1987 c 485 s 3 are each amended to read
24 as follows:

25 This chapter shall apply to the pilotage districts of this state as
26 defined in this section.

27 (1) "Puget Sound pilotage district", whenever used in this chapter,
28 shall be construed to mean and include all the waters of the state of
29 Washington inside the international boundary line between the state of
30 Washington, the United States and the province of British Columbia,
31 Canada and east of one hundred twenty-three degrees twenty-four minutes
32 west longitude.

33 (2) "Grays Harbor pilotage district" shall include all inland
34 waters, channels, waterways, and navigable tributaries within Grays
35 Harbor (~~and Willapa Harbor~~). The boundary line between Grays Harbor
36 (~~and Willapa Harbor~~) and the high seas shall be defined by the board.

1 **Sec. 4.** RCW 88.16.070 and 1987 c 194 s 2 are each amended to read
2 as follows:

3 All vessels under enrollment and all United States and Canadian
4 vessels engaged exclusively in the coasting trade on the west coast of
5 the continental United States (including Alaska) and/or British
6 Columbia shall be exempt from the provisions of this chapter unless a
7 pilot licensed under this chapter be actually employed, in which case
8 the pilotage rates provided for in this chapter shall apply. However,
9 the board shall, upon the written petition of any interested party, and
10 upon notice and hearing, grant an exemption from the provisions of this
11 chapter to any vessel that the board finds is a small passenger vessel
12 or yacht which is not more than five hundred gross tons
13 (international), does not exceed two hundred feet in length, and is
14 operated exclusively in the waters of the Puget Sound pilotage district
15 and lower British Columbia. Such an exemption shall not be detrimental
16 to the public interest in regard to safe operation preventing loss of
17 human lives, loss of property, and protecting the marine environment
18 of the state of Washington. Such petition shall set out the general
19 description of the vessel, the contemplated use of same, the proposed
20 area of operation, and the name and address of the vessel's owner. The
21 board shall annually, or at any other time when in the public interest,
22 review any exemptions granted to this specified class of small vessels
23 to insure that each exempted vessel remains in compliance with the
24 original exemption. The board shall have the authority to revoke such
25 exemption where there is not continued compliance with the requirements
26 for exemption. The board shall maintain a file which shall include all
27 petitions for exemption, a roster of vessels granted exemption, and the
28 board's written decisions which shall set forth the findings for grants
29 of exemption. The board shall report annually to the legislature on
30 such exemptions. Every vessel not so exempt, shall while navigating
31 the Puget Sound and Grays Harbor ((and ~~Willapa Bay~~)) pilotage
32 districts, employ a pilot licensed under the provisions of this chapter
33 and shall be liable for and pay pilotage rates in accordance with the
34 pilotage rates herein established or which may hereafter be established
35 under the provisions of this chapter: PROVIDED, That any vessel
36 inbound to or outbound from Canadian ports is exempt from the
37 provisions of this section, if said vessel actually employs a pilot
38 licensed by the Pacific pilotage authority (the pilot licensing
39 authority for the western district of Canada), and if it is

1 communicating with the vessel traffic system and has appropriate
2 navigational charts, and if said vessel uses only those waters east of
3 the international boundary line which are west of a line which begins
4 at the southwestern edge of Point Roberts then to Alden Point (Patos
5 Island), then to Skipjack Island light, then to Turn Point (Stuart
6 Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San
7 Juan Island) then to the intersection of one hundred twenty-three
8 degrees seven minutes west longitude and forty-eight degrees twenty-
9 five minutes north latitude then to the international boundary. The
10 board shall correspond with the Pacific pilotage authority from time to
11 time to ensure the provisions of this section are enforced. If any
12 exempted vessel does not comply with these provisions it shall be
13 deemed to be in violation of this section and subject to the penalties
14 provided in RCW 88.16.150 as now or hereafter amended and liable to
15 pilotage fees as determined by the board. The board shall investigate
16 any accident on the waters covered by this chapter involving a Canadian
17 pilot and shall include the results in its annual report.

18 **Sec. 5.** RCW 88.16.090 and 1991 c 200 s 1002 are each amended to
19 read as follows:

20 (1) A person may pilot any vessel subject to the provisions of this
21 chapter on waters covered by this chapter only if appointed and
22 licensed to pilot such vessels on said waters under and pursuant to the
23 provisions of this chapter.

24 (2) A person is eligible to be appointed a pilot if the person is
25 a citizen of the United States, over the age of twenty-five years and
26 under the age of seventy years, a resident of the state of Washington
27 at the time of appointment and only if the pilot applicant holds as a
28 minimum, a United States government license as a master of ocean or
29 near coastal steam or motor vessels of not more than one thousand six
30 hundred gross tons or as a master of inland steam or motor vessels of
31 not more than one thousand six hundred gross tons, such license to have
32 been held by the applicant for a period of at least two years prior
33 (~~((such license to have been held by the applicant for a period of at
34 least two years prior))~~) to taking the Washington state pilotage
35 examination and a first class United States endorsement without
36 restrictions on that license to pilot in the pilotage districts for
37 which the pilot applicant desires to be licensed, and if the pilot
38 applicant meets such other qualifications as may be required by the

1 board. A person applying for a license under this section shall not
2 have been convicted of an offense involving drugs or the personal
3 consumption of alcohol in the twelve months prior to the date of
4 application. This restriction does not apply to license renewals under
5 this section.

6 (3) Pilots shall be licensed hereunder for a term of five years
7 from and after the date of the issuance of their respective state
8 licenses. Such licenses shall thereafter be renewed as of course,
9 unless the board shall withhold same for good cause. Each pilot shall
10 pay to the state treasurer an annual license fee established by the
11 board of pilotage commissioners pursuant to chapter 34.05 RCW, but not
12 to exceed ((one)) two thousand ((five hundred)) dollars, to be placed
13 in the state treasury to the credit of the pilotage account. The board
14 may assess partially active or inactive pilots a reduced fee.

15 (4) Pilot applicants shall be required to pass a written and oral
16 examination administered and graded by the board which shall test such
17 applicants on this chapter, the rules of the board, local harbor
18 ordinances, and such other matters as may be required to compliment the
19 United States examinations and qualifications. The board shall hold
20 examinations at such times as will, in the judgment of the board,
21 ensure the maintenance of an efficient and competent pilotage service.
22 An examination shall be scheduled for the Puget Sound pilotage district
23 if there are three or fewer successful candidates from the previous
24 examination who are waiting to become pilots in that district.

25 (5) The board shall develop an examination and grading sheet for
26 each pilotage district, for the testing and grading of pilot
27 applicants. The examinations shall be administered to pilot applicants
28 and shall be updated as required to reflect changes in law, rules,
29 policies, or procedures. The board may appoint a special independent
30 examination committee or may contract with a firm knowledgeable and
31 experienced in the development of professional tests for development of
32 said examinations. Active licensed state pilots may be consulted for
33 the general development of examinations but shall have no knowledge of
34 the specific questions. The pilot members of the board may participate
35 in the grading of examinations. If the board does appoint a special
36 examination development committee it is authorized to pay the members
37 of said committee the same compensation and travel expenses as received
38 by members of the board. When grading examinations the board shall
39 carefully follow the grading sheet prepared for that examination. The

1 board shall develop a "sample examination" which would tend to indicate
2 to an applicant the general types of questions on pilot examinations,
3 but such sample questions shall not appear on any actual examinations.
4 Any person who willfully gives advance knowledge of information
5 contained on a pilot examination is guilty of a gross misdemeanor.

6 (6) All pilots and applicants are subject to an annual physical
7 examination by a physician chosen by the board. The physician shall
8 examine the applicant's heart, blood pressure, circulatory system,
9 lungs and respiratory system, eyesight, hearing, and such other items
10 as may be prescribed by the board. After consultation with a physician
11 and the United States coast guard, the board shall establish minimum
12 health standards to ensure that pilots licensed by the state are able
13 to perform their duties. Within ninety days of the date of each annual
14 physical examination, and after review of the physician's report, the
15 board shall make a determination of whether the pilot or candidate is
16 fully able to carry out the duties of a pilot under this chapter. The
17 board may in its discretion check with the appropriate authority for
18 any convictions of offenses involving drugs or the personal consumption
19 of alcohol in the prior twelve months.

20 (7) The board shall prescribe, pursuant to chapter 34.05 RCW, a
21 number of (~~familiarization~~) training trips, between a minimum number
22 of twenty-five and a maximum of one hundred, which pilot (~~applicant~~)
23 candidates must make under the supervision of an experienced pilot in
24 the pilotage district for which they desire to be licensed.
25 (~~Familiarization~~) Training trips any particular (~~applicant~~)
26 candidate must make are to be based upon (~~the applicant's~~) his or her
27 vessel handling experience.

28 (8) The board may require vessel simulator training for a pilot
29 applicant and shall require vessel simulator training for a pilot
30 subject to RCW 88.16.105. The board shall also require vessel
31 simulator training in the first year of active duty for a new pilot and
32 at least once every five years for all active pilots.

33 (9) The board shall prescribe, pursuant to chapter 34.05 RCW, such
34 reporting requirements and review procedures as may be necessary to
35 assure the accuracy and validity of license and service claims, and
36 records of familiarization trips of pilot candidates. Willful
37 misrepresentation of such required information by a pilot candidate
38 shall result in disqualification of the candidate.

1 (10) The board shall adopt rules to establish time periods and
2 procedures for additional training trips and retesting as necessary for
3 pilots who at the time of their licensing are unable to become active
4 pilots.

5 **Sec. 6.** RCW 88.16.110 and 1991 c 200 s 1004 are each amended to
6 read as follows:

7 (1) Every pilot licensed under this chapter shall file with the
8 board not later than the (~~tenth~~) fifteenth day of January, April,
9 July and October of each year a report for the preceding quarter. Said
10 report shall contain an account of all moneys received for pilotage by
11 him or her or by any other person for the pilot or on the pilot's
12 account or for his or her benefit. Said report shall state the name of
13 each vessel piloted, the amount charged to and/or collected from each
14 vessel, the (~~port~~) country of registry of such vessel, its (~~dead~~
15 ~~weight~~) gross tonnage, whether it was inward or outward bound, whether
16 the amount so received, collected or charged is in full payment of
17 pilotage and such other information as the board shall by regulation
18 prescribe.

19 (2) The report shall include information for each vessel that
20 suffers a grounding, collision, or other major marine casualty that
21 occurred while the pilot was on duty during the reporting period. The
22 report shall also include information on near miss incidents as defined
23 in RCW 88.46.100. Information concerning near miss incidents provided
24 pursuant to this section shall not be used for imposing any sanctions
25 or penalties. The board shall forward information provided under this
26 subsection to the office of marine safety for inclusion in the
27 collision reporting system established under RCW 88.46.100.

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