

SENATE BILL REPORT

SSB 6602

As Passed Senate, February 16, 2008

Title: An act relating to the pilotage act.

Brief Description: Modifying pilotage act and related provisions.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Haugen and Swecker; by request of Board of Pilotage Commissioners).

Brief History:

Committee Activity: Transportation: 1/31/08, 2/04/08 [DPS].
Passed Senate: 2/16/08, 48-0.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 6602 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Marr, Vice Chair; Murray, Vice Chair; Swecker, Ranking Minority Member; Berkey, Delvin, Holmquist, Kauffman, Kilmer, King, Pflug, Sheldon and Spanel.

Staff: Kelly Simpson (786-7403)

Background: Under current law, the Board of Pilotage Commissioners (Board) must provide for the maintenance of efficient and competent pilotage service on the waters of the Puget Sound pilotage district and the Grays Harbor pilotage district. To this end, the Board examines the proficiency of potential pilots, licenses pilots, enforces the use of pilots, sets pilotage rates, investigates reported accidents involving pilots, keeps records of various matters affecting pilotage, and performs various other duties as required by law.

Summary of Substitute Bill: Various general statutory provisions regarding the implementation of the Pilotage Act are revised.

Qualifications and Licensing. The following changes are made regarding the qualification and licensing requirements for marine pilots and pilot trainees:

- allows the Board to contract with private or governmental entities, and to consult with active marine pilots, in establishing, administering, and grading marine pilot licensing exams or simulator evaluations;
- clarifies that physical exams are not required until licenses are issued;
- specifies a process to review a pilot applicant's written exams and evaluation exercises to qualify for pilot trainee status; and

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

- specifies venue on administrative appeals.

Administrative Changes. The following changes are made to certain administrative provisions of the Pilotage Act:

- clarifies the Board's collecting, reporting, and publishing requirements;
- clarifies that the yacht exemption language applies to certain yachts regardless of whether operated only in the Puget Sound and lower British Columbia;
- clarifies provisions regarding the ranking of applicants for entry into the pilot trainee program;
- adds references to "pilot trainees" as a technical change;
- integrates liability limitation language from two different bills enacted during the 2005 session;
- grants civil immunity to pilots, pilot trainees, and Board members regarding communications related to information about certain marine incidents or occurrences, or reports of the performances of pilots or pilot trainees; and
- specifies a reporting process for masters, pilots, or pilot trainees who deviate from the requirements of the Pilotage Act in order to comply with any federal or international law, other state law, or to ensure the safety of the vessel or crew under his or her control.

Pilotage Account. Effective July 1, 2009, the Pilotage Account is redesignated as a nonappropriated account in the custody of the State Treasurer. Expenditures from the account may be made only by the Board or Board's designee, and only for the purposes of the Board as prescribed under the Pilotage Act. Interest earnings in the account remain with the account.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute Bill: PRO: This legislation is the result of many meetings last interim between the Board and stakeholders. The main purpose was to develop a proposal that clarifies certain qualifications and licensing provisions, makes various administrative and housekeeping changes, and updates some language. Any controversial provisions were removed from the proposal, including any fee language. The Board functions solely as a fee-based agency; no taxes support the work of the agency. The liability immunity provision in the bill is to encourage open communications between pilots and the Board without penalizing pilots for their comments regarding matters of marine safety. This bill allows the Board to continue to provide for a safe and efficient pilotage service in the Puget Sound and Grays Harbor. The Board supports the addition to make the pilotage account a nonappropriated account.

OTHER: Questions exist around the liability immunity provision, as it is currently drafted in the bill.

Persons Testifying: PRO: Harry Dudley, Board of Pilotage Commissioners.

OTHER: Bruce Wishart, People for Puget Sound.