

SENATE BILL REPORT

HB 1647

As Passed Senate, April 10, 2019

Title: An act relating to mandatory rest periods for pilots.

Brief Description: Concerning mandatory rest periods for pilots.

Sponsors: Representatives Chapman, Boehnke, Barkis, Ortiz-Self, Shewmake and Goodman; by request of Board of Pilotage Commissioners.

Brief History: Passed House: 3/06/19, 92-5.

Committee Activity: Transportation: 3/20/19, 3/20/19 [DP].

Floor Activity:

Passed Senate: 4/10/19, 46-0.

Brief Summary of Bill

- Requires marine pilots to have mandatory rest periods of at least ten hours, rather than seven hours, after an assignment, and a mandatory rest period that mitigates fatigue after three consecutive night assignments.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, O'Ban, Padden, Takko, Wilson, C. and Zeiger.

Staff: Hayley Gamble (786-7452)

Background: Board of Pilotage. Generally, most foreign-flagged vessels are required to use a licensed marine pilot when operating in Puget Sound or Grays Harbor waters. The Board of Pilotage (board) is a state board created in 1935 that trains and licenses marine pilots, and enforces pilotage laws. The board may also consider providing exemptions to pilotage requirements for certain vessels.

Marine Pilots. After completing an assignment or assignments seven hours or longer in duration, a pilot or pilot trainee must receive a mandatory rest period of seven hours. Generally, the average assignment duration is a little over nine hours. A pilot or pilot trainee

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must refuse an assignment if the pilot or pilot trainee is physically or mentally fatigued, or if the pilot or pilot trainee has a reasonable belief the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment, a pilot or pilot trainee must submit a written explanation to the board within 48 hours. If the board finds the pilot's or pilot trainee's written explanation is without merit, or reasonable cause did not exist for the refusal, the pilot or pilot trainee may be subject to sanctions, which may include reprimand, monetary fines, revocation, or suspension of the pilot's license.

Current Rest Period Practices. In October 2018, the board adopted a policy requiring a pilot who has completed an assignment seven hours or longer, or who has completed multiple harbor shifts which cannot exceed 13 hours total, must take a rest period of at least ten hours, to permit pilots an opportunity of at least eight hours of sleep. The policy also provides pilots who refuse assignments due to physical or mental fatigue and who submit a written explanation to the board within 48 hours will not be reprimanded or disciplined, absent good cause.

Summary of Bill: Pilots must have a mandatory rest period of at least ten hours, with an opportunity for eight hours of uninterrupted sleep, after completing an assignment, excluding multiple assignments within a harbor area, provided the combined total duration of assignment time does not exceed 13 hours. The board determines what a harbor area means. The length of assignment requiring a rest period of seven hours is removed.

Pilots must have a mandatory rest period mitigating fatigue caused by circadian misalignment after three consecutive night assignments, as defined by the board.

The provision authorizing the board to impose sanctions for a pilot's or pilot trainee's refusal of an assignment is removed. A pilot trainee must not take a training program trip if the pilot trainee is physically or mentally fatigued or if the pilot trainee has reasonable belief the training program trip cannot be carried out in a competent and safe manner.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

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

Staff Summary of Public Testimony: PRO: Pilots mitigate the threat of ships to the environment and people. There have been no major incidents in the last 30 years. Fatigue is recognized as a hazard that must be managed. Pilots often work at night and experience circadian rhythm misalignment. This can impact situational awareness and reaction time. This bill is based on expert recommendations. This is agency request legislation from the Board of Pilotage. This bill will modernize pilot rest periods.

Persons Testifying: PRO: Representative Mike Chapman, Prime Sponsor; Eric Von Brandenfels, President, Puget Sound Pilots; Jaimie Bever, Executive Director, Board of Pilotage Commissioners.

Persons Signed In To Testify But Not Testifying: No one.