

WAC 363-116-360 Exempt vessels. (1) Under the authority of RCW 88.16.070, application via petition may be made to the board of pilotage commissioners to seek exemption from the pilotage requirements for the operation of a limited class of small passenger vessels, which are not more than 1,300 gross tons (international), do not exceed 200 feet in length, is manned by United States-licensed deck and engine officers appropriate to the size of the vessel with merchant mariner credentials issued by the United States coast guard or Canadian deck and engine officers with Canadian-issued certificates of competency appropriate to the size of the vessel, and are operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia, or yachts, which are not more than 1,300 gross tons (international), and do not exceed 200 feet in length. For purposes of this section, any vessel carrying passengers for a fee, including yachts under charter where both the vessel and crew are provided for a fee, shall be considered a passenger vessel.

The owners or operators of the vessel for which exemption is sought must:

(a) Complete and file with the board a petition requesting an exemption at least 48 hours prior to planned vessel operations where possible. Petitions filed with less than 48 hours notice may be considered by the chair at the chair's discretion on a board-approved form. The form shall include a description of the vessel, the contemplated use of vessel, the proposed area of operation, the names and addresses of the vessel's owner and operator, the areas and dates of planned operations, and such other information as the board shall require.

(b) Pay the appropriate application fee with the submittal of the petition or upon receipt of invoice from the BPC, which is listed in subsection (5) of this section.

(2) All petitions for exemption filed with the board shall be considered at its next regularly scheduled meeting. Consistent with the public interest, the chair may grant an interim exemption to a petitioner subject to final approval at the next board meeting, where special time or other conditions exist.

(3) Any grant of an exemption, including interim exemptions, may contain such conditions as the board, or in the case of an interim exemption, the chair, deems necessary to protect the public interest in order to prevent the loss of human life and property and to protect the marine environment of the state of Washington.

Such conditions may include: A requirement that the vessel employ the services of a pilot on its initial voyage into state pilotage waters; the vessel master attends an orientation meeting with a pilot as determined by the board; the vessel master review all written orientation materials; and/or that the master of the vessel at all times hold as a minimum, a United States government license as a master of ocean or near coastal steam or motor vessels of not more than 1,600 gross tons or as a master of inland steam or motor vessels of not more than 500 gross tons, such license to include a current radar endorsement; and/or that the vessel possess specific navigational charts, publications and navigational equipment necessary to ensure safe operation.

(4) The board shall annually, or at any other time when in the public interest, review any exemptions granted to the specified class of small vessels to ensure that each exempted vessel remains in compliance with the original exemption and any conditions to the exemption. The board shall have the authority to revoke such exemption when there is not continued compliance with the requirements for exemption.

(5) Fee Schedule for Petitioners for Exemption

	1 Year or Less	Annual Renewal
A. Yachts		
LOA 65 feet and under	\$100	\$100
LOA 66-125 feet	1100	900
LOA 126-200 feet	1500	1400
B. Passenger Vessels		
Up to and including 200 feet LOA	1500	1500

(6) Petitions for annual renewals must be submitted to the board within one year of the expiration of the previous exemption.

[Statutory Authority: Chapter 88.16 RCW. WSR 24-03-112, § 363-116-360, filed 1/19/24, effective 2/19/24; WSR 17-14-005, § 363-116-360, filed 6/22/17, effective 7/23/17; WSR 12-21-077, § 363-116-360, filed 10/19/12, effective 11/19/12; WSR 10-24-085, § 363-116-360, filed 11/30/10, effective 12/31/10. Statutory Authority: RCW 88.16.070 and 1995 c 174. WSR 97-12-018, § 363-116-360, filed 5/28/97, effective 6/28/97. WSR 97-08-042, recodified as § 363-116-360, filed 3/28/97, effective 3/28/97. Statutory Authority: RCW 88.16.070. WSR 93-07-077, § 296-116-360, filed 3/18/93, effective 4/18/93; WSR 90-20-039, § 296-116-360, filed 9/25/90, effective 10/26/90; WSR 88-09-015 (Order 88-6, Resolution No. 88-6), § 296-116-360, filed 4/13/88.]