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HOUSE BILL 1310

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State of Washington

54th Legislature

1995 Regular Session

By Representatives K. Schmidt, R. Fisher and Buck; by request of Board of Pilotage Commissioners

Read first time 01/20/95. Referred to Committee on Transportation.

1 AN ACT Relating to pilotage services; amending RCW 88.16.070;  
2 reenacting and amending RCW 88.16.150; and prescribing penalties.

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

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

6 All (~~vessels under enrollment and all~~) United States and Canadian  
7 vessels engaged exclusively in the coasting trade on the west coast of  
8 the continental United States (including Alaska) and/or British  
9 Columbia shall be exempt from the provisions of this chapter unless a  
10 pilot licensed under this chapter be actually employed, in which case  
11 the pilotage rates provided for in this chapter shall apply. However,  
12 the board shall, upon the written petition of any interested party, and  
13 upon notice and opportunity for hearing, grant an exemption from the  
14 provisions of this chapter to any vessel that the board finds is a  
15 small passenger vessel or yacht which is not more than five hundred  
16 gross tons (international), does not exceed two hundred feet in length,  
17 and is operated exclusively in the waters of the Puget Sound pilotage  
18 district and lower British Columbia. Such an exemption shall not be  
19 detrimental to the public interest in regard to safe operation

1 preventing loss of human lives, loss of property, and protecting the  
2 marine environment of the state of Washington. Such petition shall set  
3 out the general description of the vessel, the contemplated use of  
4 same, the proposed area of operation, and the name and address of the  
5 vessel's owner. The board shall annually, or at any other time when in  
6 the public interest, review any exemptions granted to this specified  
7 class of small vessels to insure that each exempted vessel remains in  
8 compliance with the original exemption. The board shall have the  
9 authority to revoke such exemption where there is not continued  
10 compliance with the requirements for exemption. The board shall  
11 maintain a file which shall include all petitions for exemption, a  
12 roster of vessels granted exemption, and the board's written decisions  
13 which shall set forth the findings for grants of exemption. Each  
14 applicant for exemption or annual renewal shall pay a fee, payable to  
15 the pilotage account. Fees for initial applications and for renewals  
16 shall be established by rule, and shall not exceed one thousand five  
17 hundred dollars. The board shall report annually to the legislature on  
18 such exemptions. Every vessel not so exempt, shall while navigating  
19 the Puget Sound and Grays Harbor and Willapa Bay pilotage districts,  
20 employ a pilot licensed under the provisions of this chapter and shall  
21 be liable for and pay pilotage rates in accordance with the pilotage  
22 rates herein established or which may hereafter be established under  
23 the provisions of this chapter: PROVIDED, That any vessel inbound to  
24 or outbound from Canadian ports is exempt from the provisions of this  
25 section, if said vessel actually employs a pilot licensed by the  
26 Pacific pilotage authority (the pilot licensing authority for the  
27 western district of Canada), and if it is communicating with the vessel  
28 traffic system and has appropriate navigational charts, and if said  
29 vessel uses only those waters east of the international boundary line  
30 which are west of a line which begins at the southwestern edge of Point  
31 Roberts then to Alden Point (Patos Island), then to Skipjack Island  
32 light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry  
33 Island), then to Lime Kiln (San Juan Island) then to the intersection  
34 of one hundred twenty-three degrees seven minutes west longitude and  
35 forty-eight degrees twenty-five minutes north latitude then to the  
36 international boundary. The board shall correspond with the Pacific  
37 pilotage authority from time to time to ensure the provisions of this  
38 section are enforced. If any exempted vessel does not comply with  
39 these provisions it shall be deemed to be in violation of this section

1 and subject to the penalties provided in RCW 88.16.150 as now or  
2 hereafter amended and liable to pilotage fees as determined by the  
3 board. The board shall investigate any accident on the waters covered  
4 by this chapter involving a Canadian pilot and shall include the  
5 results in its annual report.

6 **Sec. 2.** RCW 88.16.150 and 1987 c 485 s 5 and 1987 c 202 s 247 are  
7 each reenacted and amended to read as follows:

8 (1) In all cases where no other penalty is prescribed in this  
9 chapter, any violation of this chapter or of any rule or regulation of  
10 the board shall be punished as a gross misdemeanor, and all violations  
11 may be prosecuted in any court of competent jurisdiction in any county  
12 where the offense or any part thereof was committed. In any case where  
13 the offense was committed upon a ship, boat or vessel, and there is  
14 doubt as to the proper county, the same may be prosecuted in any county  
15 through any part of which the ship, boat or vessel passed, during the  
16 trip upon which the offense was committed. All fines collected for any  
17 violation of this chapter or any rule or regulation of the board shall  
18 within thirty days be paid by the official collecting the same to the  
19 state treasurer and shall be credited to the pilotage account:  
20 PROVIDED, That all fees, fines, forfeitures and penalties collected or  
21 assessed by a district court because of the violation of a state law  
22 shall be remitted as provided in chapter 3.62 RCW as now exists or is  
23 later amended.

24 (2) Notwithstanding any other penalty imposed by this section, any  
25 person who shall violate the provisions of this chapter, shall be  
26 liable to a maximum civil penalty of (~~five~~) ten thousand dollars for  
27 each violation. The board may request the attorney general or the  
28 prosecuting attorney of the county in which any violation of this  
29 chapter occurs to bring an action for imposing the civil penalties  
30 provided for in this subsection.

31 Moneys collected from civil penalties shall be deposited in the  
32 pilotage account.

33 (3) Any master of a vessel who shall knowingly fail to inform the  
34 pilot dispatched to said vessel or any agent, owner, or operator, who  
35 shall knowingly fail to inform the pilot dispatcher, or any dispatcher  
36 who shall knowingly fail to inform the pilot actually dispatched to  
37 said vessel of any special directions mandated by the coast guard  
38 captain of the port under authority of the Ports and Waterways Safety

1 Act of 1972, as amended, for the handling of such vessel shall be  
2 guilty of a gross misdemeanor.

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