

SENATE BILL REPORT

SSB 5207

As Passed Senate, March 11, 2005

Title: An act relating to liability limitations for providing pilotage services.

Brief Description: Limiting liability of ports providing pilots.

Sponsors: Senate Committee on Transportation (originally sponsored by Senators Doumit, Hargrove and Sheldon).

Brief History:

Committee Activity: Transportation: 2/21/05, 2/22/05 [DPS].

Passed Senate: 3/11/05, 46-1.

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: That Substitute Senate Bill No. 5207 be substituted therefor, and the substitute bill do pass.

Signed by Senators Haugen, Chair; Jacobsen, Vice Chair; Poulsen, Vice Chair; Swecker, Ranking Minority Member; Benson, Eide, Esser, Kastama, Mulliken, Oke, Spanel and Weinstein.

Staff: Kelly Simpson (786-7403)

Background: Under current law, a marine pilot licensed by Washington State is immune from liability for damages in excess of five thousand dollars for damages or loss due to the pilot's errors, omissions, fault, or neglect in the performance of his or her pilotage services. However, the liability protection does not apply if the pilot engages in wilful misconduct or gross negligence.

Summary of Bill: The liability protection available to marine pilots is expanded to include any countywide port district located in part or in whole within the Grays Harbor pilotage district authorized to provide pilotage services. Such port districts are immune from liability for damages in excess of five thousand dollars for damages or loss due to a pilot's errors, omissions, fault, or neglect in the performance of his or her pilotage services. However, the liability protection does not apply if the pilot engages in willful misconduct or gross negligence.

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.

Testimony For: The Port of Grays Harbor currently employs marine pilots to provide pilotage services in the Grays Harbor pilotage district. Current law, while providing certain liability protection to pilots, does not provide the protection to the Port as an employer of pilots. This bill is complementary to recent legislation that enabled the Port to provide pilotage services in the Grays Harbor pilotage district.

Testimony Against: None.

Who Testified: PRO: Senator Doumit, prime sponsor; Jack Thompson, Port of Grays Harbor; Mike Moore, Pacific Merchant Shipping Association; Harry Dudley, Chair, Board of Pilotage Commissioners.