

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5207

Chapter 123, Laws of 2005

59th Legislature
2005 Regular Session

PILOTAGE SERVICES--PORT DISTRICT LIABILITY

EFFECTIVE DATE: 7/24/05

Passed by the Senate March 11, 2005
YEAS 46 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House April 5, 2005
YEAS 94 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved April 21, 2005.

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5207** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

April 21, 2005 - 3:46 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5207

Passed Legislature - 2005 Regular Session

State of Washington 59th Legislature 2005 Regular Session

By Senate Committee on Transportation (originally sponsored by
Senators Doumit, Hargrove and Sheldon)

READ FIRST TIME 02/25/05.

1 AN ACT Relating to liability limitations for providing pilotage
2 services; and amending RCW 88.16.115 and 88.16.118.

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

4 **Sec. 1.** RCW 88.16.115 and 1981 c 196 s 1 are each amended to read
5 as follows:

6 The preservation of human life and property associated with
7 maritime commerce on the pilotage waters of this state is declared to
8 be in the public interest, and the limitation and regulation of the
9 liability of pilots licensed by the state of Washington, and of any
10 county-wide port district located partly or entirely within the Grays
11 Harbor pilotage district as defined by RCW 88.16.050(2) authorized to
12 provide pilotage services, is necessary to such preservation and is
13 deemed to be in the public interest.

14 **Sec. 2.** RCW 88.16.118 and 1984 c 69 s 1 are each amended to read
15 as follows:

16 A ship's pilot licensed to act as such by the state of Washington,
17 and any county-wide port district located partly or entirely within the
18 Grays Harbor pilotage district as defined by RCW 88.16.050(2)

1 authorized to provide pilotage services, shall not be liable for
2 damages in excess of the amount of five thousand dollars for damages or
3 loss occasioned by ~~((the))~~ a pilot's errors, omissions, fault, or
4 neglect in the performance of pilotage services, except as may arise by
5 reason of the willful misconduct or gross negligence of ~~((the))~~ a
6 pilot.

7 When a pilot boards a vessel, that pilot becomes a servant of the
8 vessel and its owner and operator. Nothing in this section exempts the
9 vessel, its owner or operator from liability for damage or loss
10 occasioned by that ship to a person or property on the ground that (1)
11 the ship was piloted by a Washington state licensed pilot, or (2) the
12 damage or loss was occasioned by the error, omission, fault, or neglect
13 of a Washington state licensed pilot.

Passed by the Senate March 11, 2005.

Passed by the House April 5, 2005.

Approved by the Governor April 21, 2005.

Filed in Office of Secretary of State April 21, 2005.