
SUBSTITUTE SENATE BILL 6519

State of Washington

65th Legislature

2018 Regular Session

By Senate Transportation (originally sponsored by Senators King and Hobbs)

READ FIRST TIME 02/06/18.

1 AN ACT Relating to revising the establishment of marine pilotage
2 tariffs; amending RCW 88.16.035, 80.01.040, 88.16.061, 88.16.120, and
3 53.08.390; adding a new section to chapter 88.16 RCW; adding a new
4 section to chapter 80.01 RCW; and providing an effective date.

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

6 **Sec. 1.** RCW 88.16.035 and 2009 c 496 s 1 are each amended to
7 read as follows:

8 (1) The board of pilotage commissioners shall:

9 (a) Adopt rules, pursuant to chapter 34.05 RCW, necessary for the
10 enforcement and administration of this chapter;

11 (b)(i) Issue training licenses and pilot licenses to pilot
12 applicants meeting the qualifications provided for in RCW 88.16.090
13 and such additional qualifications as may be determined by the board;

14 (ii) Establish a comprehensive training program to assist in the
15 training and evaluation of pilot applicants before final licensing;
16 and

17 (iii) Establish additional training requirements, including a
18 program of continuing education developed after consultation with
19 pilot organizations, including those located within the state of
20 Washington, as required to maintain a competent pilotage service;

1 (c) Maintain a register of pilots, records of pilot accidents,
2 and other history pertinent to pilotage;

3 (d) Determine from time to time the number of pilots necessary to
4 be licensed in each district of the state to optimize the operation
5 of a safe, fully regulated, efficient, and competent pilotage service
6 in each district;

7 ~~(e) ((Annually fix the pilotage tariffs for pilotage services
8 provided under this chapter: PROVIDED, That the board may fix extra
9 compensation for extra services to vessels in distress, for awaiting
10 vessels, for all vessels in direct transit to or from a Canadian port
11 where Puget Sound pilotage is required for a portion of the voyage,
12 or for being carried to sea on vessels against the will of the pilot,
13 and for such other services as may be determined by the board:
14 PROVIDED FURTHER, That as an element of the Puget Sound pilotage
15 district tariff, the board may consider pilot retirement plan
16 expenses incurred in the prior year in either pilotage district.
17 However, under no circumstances shall the state be obligated to fund
18 or pay for any portion of retirement payments for pilots or retired
19 pilots;~~

20 ~~(f))~~) File annually with the governor and the chairs of the
21 transportation committees of the senate and house of representatives
22 a report which includes, but is not limited to, the following: The
23 number, names, ages, pilot license number, training license number,
24 and years of service as a Washington licensed pilot of any person
25 licensed by the board as a Washington state pilot or trainee; the
26 names, employment, and other information of the members of the board;
27 the total number of pilotage assignments by pilotage district,
28 including information concerning the various types and sizes of
29 vessels and the total annual tonnage; the annual earnings or stipends
30 of individual pilots and trainees before and after deduction for
31 expenses of pilot organizations, including extra compensation as a
32 separate category; the annual expenses of private pilot associations,
33 including personnel employed and capital expenditures; the status of
34 pilotage tariffs, extra compensation, and travel; the retirement
35 contributions paid to pilots and the disposition thereof; the number
36 of groundings, marine occurrences, or other incidents which are
37 reported to or investigated by the board, and which are determined to
38 be accidents, as defined by the board, including the vessel name,
39 location of incident, pilot's or trainee's name, and disposition of
40 the case together with information received before the board acted

1 from all persons concerned, including the United States coast guard;
2 the names, qualifications, time scheduled for examinations, and the
3 district of persons desiring to apply for Washington state pilotage
4 licenses; summaries of dispatch records, quarterly reports from
5 pilots, and the bylaws and operating rules of pilotage organizations;
6 the names, sizes in deadweight tons, surcharges, if any, port of
7 call, name of the pilot or trainee, and names and horsepower of tug
8 boats for any and all oil tankers subject to the provisions of RCW
9 88.16.190 together with the names of any and all vessels for which
10 the United States coast guard requires special handling pursuant to
11 their authority under the Ports and Waterways Safety Act of 1972; the
12 expenses of the board; and any and all other information which the
13 board deems appropriate to include;

14 ~~((g))~~ (f) Make available information that includes the pilotage
15 act and other statutes of Washington state and the federal government
16 that affect pilotage, including the rules of the board, together with
17 such additional information as may be informative for pilots, agents,
18 owners, operators, and masters;

19 ~~((h))~~ (g) Appoint advisory committees and employ marine experts
20 as necessary to carry out its duties under this chapter;

21 ~~((i))~~ (h) Provide for the maintenance of efficient and
22 competent pilotage service on all waters covered by this chapter; and
23 do such other things as are reasonable, necessary, and expedient to
24 insure proper and safe pilotage upon the waters covered by this
25 chapter and facilitate the efficient administration of this chapter.

26 (2) The board may pay stipends to pilot trainees under subsection
27 (1)(b) of this section.

28 **Sec. 2.** RCW 80.01.040 and 2007 c 234 s 1 are each amended to
29 read as follows:

30 The utilities and transportation commission shall:

31 (1) Exercise all the powers and perform all the duties prescribed
32 by this title and by Title 81 RCW, or by any other law.

33 (2) Regulate in the public interest, as provided by the public
34 service laws, all persons engaging in the transportation of persons
35 or property within this state for compensation.

36 (3) Regulate in the public interest, as provided by the public
37 service laws, the rates, services, facilities, and practices of all
38 persons engaging within this state in the business of supplying any
39 utility service or commodity to the public for compensation.

1 (4) Make rules and regulations necessary to carry out its other
2 powers and duties.

3 (5) Establish marine pilotage tariffs as provided in section 3 of
4 this act.

5 NEW SECTION. Sec. 3. A new section is added to chapter 88.16
6 RCW to read as follows:

7 (1) The utilities and transportation commission shall
8 periodically, but not more frequently than annually, establish the
9 pilotage tariffs for pilotage services provided under this chapter:
10 PROVIDED, That the commission may establish extra compensation for
11 extra services to vessels in distress, for awaiting vessels, for all
12 vessels in direct transit to or from a Canadian port where Puget
13 Sound pilotage is required for a portion of the voyage, or for being
14 carried to sea on vessels against the will of the pilot, and for such
15 other services as may be determined by the commission: PROVIDED
16 FURTHER, That as an element of the Puget Sound pilotage district
17 tariff, the commission may consider pilot retirement plan expenses
18 incurred in the prior year in either pilotage district. However,
19 under no circumstances shall the state be obligated to fund or pay
20 for any portion of retirement payments for pilots or retired pilots.

21 (2) The utilities and transportation commission may include as
22 part of the tariff for pilotage services provided under this chapter
23 reasonable costs incurred for the setting of pilotage tariff rates.

24 (3) By December 1, 2018, the utilities and transportation
25 commission shall submit to the transportation committees of the
26 legislature any additional statutory changes necessary to implement
27 this act.

28 **Sec. 4.** RCW 88.16.061 and 2008 c 128 s 17 are each amended to
29 read as follows:

30 ~~((The account in the general fund designated in RCW 43.79.330(17)~~
31 ~~as the "Puget Sound pilotage account" is hereby redesignated as the~~
32 ~~"pilotage account".))~~

33 The pilotage account is ~~((hereby redesignated as a~~
34 ~~nonappropriated account, and is therefore))~~ created in the ~~((custody~~
35 ~~of the))~~ state ~~((treasurer. All receipts designated, credited, or~~
36 ~~transferred to the pilotage account must be deposited into the~~
37 ~~account))~~ treasury. Moneys in the account may be spent only after
38 appropriation. Expenditures from the account may be used only for the

1 purposes of the board of pilotage commissioners as prescribed under
2 this chapter(~~(. Only the board or the board's designee may authorize~~
3 ~~expenditures from the account))~~ and by the utilities and
4 transportation commission for purposes related to pilotage tariff
5 rate setting. The account is subject to allotment procedures under
6 chapter 43.88 RCW(~~(, but an appropriation is not required for~~
7 ~~expenditures))~~).

8 **Sec. 5.** RCW 88.16.120 and 1987 c 485 s 4 are each amended to
9 read as follows:

10 No pilot shall charge, collect or receive and no person, firm,
11 corporation or association shall pay for pilotage or other services
12 performed hereunder any greater, less or different amount, directly
13 or indirectly, than the rates or charges herein established (~~(or~~
14 ~~which may be hereafter fixed by the board pursuant to this chapter))~~
15 by the utilities and transportation commission. Any pilot, person,
16 firm, corporation or association violating the provisions of this
17 section shall be guilty of a misdemeanor and shall be punished
18 pursuant to RCW 88.16.150 as now or hereafter amended, said
19 prosecution to be conducted by the attorney general or the
20 prosecuting attorney of any county wherein the offense or any part
21 thereof was committed.

22 **Sec. 6.** RCW 53.08.390 and 2010 c 8 s 16003 are each amended to
23 read as follows:

24 A countywide port district located in part or in whole within the
25 Grays Harbor pilotage district, as defined by RCW 88.16.050(2), may
26 commence pilotage service with the following powers and subject to
27 the conditions contained in this section.

28 (1) Persons employed to perform the pilotage service of a port
29 district must be licensed under chapter 88.16 RCW to provide
30 pilotage.

31 (2) Before establishing pilotage service, a port district shall
32 give at least sixty days' written notice to the chair of the board of
33 pilotage commissioners to provide pilotage.

34 (3) A port district providing pilotage service under this section
35 requiring additional pilots may petition the board of pilotage
36 commissioners to qualify and license as a pilot a person who has
37 passed the examination and is on the waiting list for the training

1 program for the district. If there are no persons on the waiting
2 list, the board shall solicit applicants and offer the examination.

3 (4) In addition to the power to employ or contract with pilots, a
4 port district providing pilotage services under this section has such
5 other powers as are reasonably necessary to accomplish the purpose of
6 this section including, but not limited to, providing through
7 ownership or contract pilots launches, dispatcher services, or
8 ancillary tug services required for operations or safety.

9 (5)(a) A port district providing pilotage services under this
10 section may recommend to the board of pilotage commissioners rules of
11 service(~~(, rates, and tariffs)~~) governing its pilotage services for
12 consideration and adoption pursuant to RCW 88.16.035. A port district
13 providing pilotage services under this section may recommend to the
14 utilities and transportation commission tariffs for pilotage services
15 for consideration pursuant to section 3 of this act. The rules,
16 rates, and tariffs recommended by the port district must have been
17 approved in open meetings of the port district ten or more days after
18 published notice in a newspaper of general circulation and after
19 mailing a copy of the notice to the chair of the board of pilotage
20 commissioners, or to the utilities and transportation commission in
21 the case of rates or tariffs.

22 (b) The port district must include a pension charge in its
23 recommended pilotage tariff until such time as the pilot retirement
24 agreement expenses for Grays Harbor bar pilots employed prior to
25 October 1, 2001, have terminated. The pension charge must be
26 sufficient to cover costs associated with the pilot retirement
27 agreement expenses for Grays Harbor pilots employed prior to October
28 1, 2001. The revenue collected from the pension charge must be
29 deposited into an account maintained by the port district solely for
30 the pilot retirement agreement expenses of Grays Harbor pilots
31 employed prior to October 1, 2001. However, under no circumstances
32 shall the port district be obligated to fund or pay for any portion
33 of the retirement agreement expenses for Grays Harbor pilots employed
34 prior to October 1, 2001.

35 (6) A pilot providing pilotage services under this section must
36 comply with all requirements of the pilotage act, chapter 88.16 RCW,
37 and all rules adopted thereunder.

38 NEW SECTION. Sec. 7. A new section is added to chapter 80.01
39 RCW to read as follows:

1 (1) To ensure that this act is implemented in a timely manner,
2 the utilities and transportation commission may adopt rules prior to
3 July 1, 2019.

4 (2) The utilities and transportation commission may accept a
5 tariff filing from a person with a substantial interest beginning
6 thirty days after the effective date of utilities and transportation
7 commission rules adopted under subsection (1) of this section. The
8 utilities and transportation commission must suspend any tariff
9 filing made prior to July 1, 2019, within thirty days of receipt. Any
10 tariff filing made under this subsection may not take effect until
11 after July 1, 2019. For the purposes of this subsection, "person with
12 a substantial interest" means (a) a pilot or group of pilots licensed
13 under chapter 88.16 RCW; (b) a vessel operator or other person
14 utilizing the services of a licensed pilot and paying pilotage fees
15 and charges for such services or an organization representing such
16 vessel operators or persons; (c) the board of pilotage commissioners;
17 or (d) any other person or business that can show that the requested
18 tariff changes would likely have a substantial economic impact on its
19 operations.

20 NEW SECTION. **Sec. 8.** Except for section 7 of this act, this act
21 takes effect July 1, 2019.

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