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SENATE BILL 6519

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State of Washington

65th Legislature

2018 Regular Session

By Senators King and Hobbs

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

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

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

7 (1) The board of pilotage commissioners shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 The utilities and transportation commission shall:

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

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

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

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

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

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

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

19       (2) By July 1, 2020, the commission shall submit recommendations  
20 to the governor and the transportation committees of the legislature  
21 regarding matters pertaining to establishing tariffs under this  
22 section.

23       **Sec. 4.**   RCW 88.16.120 and 1987 c 485 s 4 are each amended to  
24 read as follows:

25       No pilot shall charge, collect or receive and no person, firm,  
26 corporation or association shall pay for pilotage or other services  
27 performed hereunder any greater, less or different amount, directly  
28 or indirectly, than the rates or charges herein established (~~or~~  
29 ~~which may be hereafter fixed by the board pursuant to this chapter~~)).  
30 Any pilot, person, firm, corporation or association violating the  
31 provisions of this section shall be guilty of a misdemeanor and shall  
32 be punished pursuant to RCW 88.16.150 as now or hereafter amended,  
33 said prosecution to be conducted by the attorney general or the  
34 prosecuting attorney of any county wherein the offense or any part  
35 thereof was committed.

1        NEW SECTION.    **Sec. 5.**    This act takes effect July 1, 2019.

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