

RCW 88.16.133 Deviations from state law—Duty to submit pilot's report. A master, pilot, or pilot trainee who deviates from the provisions of this chapter or Title 363 WAC in order to comply with any federal or international law or treaty, such as 46 U.S.C. Sec. 2304 et seq., or any other provision of law of the state, or who deviates in order to ensure the safety of the vessel or its crew under the control of the master, pilot, or pilot trainee, shall submit a pilot's report of marine safety occurrence as prescribed by the board of pilotage commissioners in WAC 363-116-200 in the case of a near-miss occurrence. If the deviation occurred while the vessel was operating under the control of a pilot or pilot trainee licensed in this state, then the report must be submitted by the pilot or pilot trainee with input provided by the master. The report must describe the circumstances leading to the deviation from the provisions of this chapter and the consequences of that deviation. If the consequences of the deviation include an incident as defined in WAC 363-116-200, then the pilot's report of marine safety occurrence must be submitted in addition to any reports required as a result of the incident. The board shall investigate the circumstances surrounding the deviation and, if the facts of the situation so warrant, may waive enforcement action against the master, pilot, or pilot trainee if the board finds that the deviation was: Taken in order to comply with any other law that may have precedence; required by the ordinary practice of seamen; or justified by the special circumstances of the case. [2008 c 128 s 15.]