

CERTIFICATION OF ENROLLMENT

SENATE BILL 6171

Chapter 81, Laws of 2012

62nd Legislature
2012 Regular Session

PILOTAGE ACT--EXEMPTIONS--VESSEL WEIGHT RESTRICTION

EFFECTIVE DATE: 06/07/12

Passed by the Senate February 14, 2012
YEAS 48 NAYS 1

BRAD OWEN

President of the Senate

Passed by the House March 1, 2012
YEAS 95 NAYS 1

FRANK CHOPP

Speaker of the House of Representatives

Approved March 23, 2012, 12:08 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Thomas Hoemann, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 6171** as passed by the Senate and the House of Representatives on the dates hereon set forth.

THOMAS HOEMANN

Secretary

FILED

March 23, 2012

**Secretary of State
State of Washington**

SENATE BILL 6171

Passed Legislature - 2012 Regular Session

State of Washington **62nd Legislature** **2012 Regular Session**

By Senators Haugen, King, and Shin

Read first time 01/13/12. Referred to Committee on Transportation.

1 AN ACT Relating to the weight limitation for certain vessels exempt
2 from the pilotage act; and amending RCW 88.16.070.

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

4 **Sec. 1.** RCW 88.16.070 and 2008 c 128 s 3 are each amended to read
5 as follows:

6 Every vessel not exempt under this section that operates in the
7 waters of the Puget Sound pilotage district or Grays Harbor pilotage
8 district is subject to compulsory pilotage under this chapter.

9 (1) A United States vessel on a voyage in which it is operating
10 exclusively on its coastwise endorsement, its fishery endorsement
11 (including catching and processing its own catch outside United States
12 waters and economic zone for delivery in the United States), and/or its
13 recreational (or pleasure) endorsement, and all United States and
14 Canadian vessels engaged exclusively in the coasting trade on the west
15 coast of the continental United States (including Alaska) and/or
16 British Columbia shall be exempt from the provisions of this chapter
17 unless a pilot licensed under this chapter be actually employed, in
18 which case the pilotage rates provided for in this chapter shall apply.

1 (2) The board may, upon the written petition of any interested
2 party, and upon notice and opportunity for hearing, grant an exemption
3 from the provisions of this chapter to any vessel that the board finds
4 is (a) a small passenger vessel that is not more than five hundred
5 gross tons (international), does not exceed two hundred feet in overall
6 length, and is operated exclusively in the waters of the Puget Sound
7 pilotage district and lower British Columbia, or (b) a yacht that is
8 not more than (~~five~~) seven hundred fifty gross tons (international)
9 and does not exceed two hundred feet in overall length. Such an
10 exemption shall not be detrimental to the public interest in regard to
11 safe operation preventing loss of human lives, loss of property, and
12 protecting the marine environment of the state of Washington. Such
13 petition shall set out the general description of the vessel, the
14 contemplated use of same, the proposed area of operation, and the name
15 and address of the vessel's owner. The board shall annually, or at any
16 other time when in the public interest, review any exemptions granted
17 to this specified class of small vessels to insure that each exempted
18 vessel remains in compliance with the original exemption. The board
19 shall have the authority to revoke such exemption where there is not
20 continued compliance with the requirements for exemption. The board
21 shall maintain a file which shall include all petitions for exemption,
22 a roster of vessels granted exemption, and the board's written
23 decisions which shall set forth the findings for grants of exemption.
24 Each applicant for exemption or annual renewal shall pay a fee, payable
25 to the pilotage account. Fees for initial applications and for
26 renewals shall be established by rule, and shall not exceed one
27 thousand five hundred dollars. The board shall report annually to the
28 legislature on such exemptions.

29 (3) Every vessel not exempt under subsection (1) or (2) of this
30 section shall, while navigating the Puget Sound and Grays Harbor
31 pilotage districts, employ a pilot licensed under the provisions of
32 this chapter and shall be liable for and pay pilotage rates in
33 accordance with the pilotage rates herein established or which may
34 hereafter be established under the provisions of this chapter:
35 PROVIDED, That any vessel inbound to or outbound from Canadian ports is
36 exempt from the provisions of this section, if said vessel actually
37 employs a pilot licensed by the Pacific pilotage authority (the pilot
38 licensing authority for the western district of Canada), and if it is

1 communicating with the vessel traffic system and has appropriate
2 navigational charts, and if said vessel uses only those waters east of
3 the international boundary line which are west of a line which begins
4 at the southwestern edge of Point Roberts then to Alden Point (Patos
5 Island), then to Skipjack Island light, then to Turn Point (Stuart
6 Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San
7 Juan Island) then to the intersection of one hundred twenty-three
8 degrees seven minutes west longitude and forty-eight degrees twenty-
9 five minutes north latitude then to the international boundary. The
10 board shall correspond with the Pacific pilotage authority from time to
11 time to ensure the provisions of this section are enforced. If any
12 exempted vessel does not comply with these provisions it shall be
13 deemed to be in violation of this section and subject to the penalties
14 provided in RCW 88.16.150 as now or hereafter amended and liable to
15 pilotage fees as determined by the board. The board shall investigate
16 any accident on the waters covered by this chapter involving a Canadian
17 pilot and shall include the results in its annual report.

Passed by the Senate February 14, 2012.

Passed by the House March 1, 2012.

Approved by the Governor March 23, 2012.

Filed in Office of Secretary of State March 23, 2012.