

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1905

65th Legislature
2017 Regular Session

Passed by the House March 2, 2017
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 4, 2017
Yeas 47 Nays 1

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1905** as passed by House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1905

Passed Legislature - 2017 Regular Session

State of Washington **65th Legislature** **2017 Regular Session**
By House Transportation (originally sponsored by Representatives
Orcutt and Clibborn)

READ FIRST TIME 02/24/17.

1 AN ACT Relating to the volume limitation for certain vessels
2 exempt 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 2012 c 81 s 1 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
12 States waters and economic zone for delivery in the United States),
13 and/or its recreational (or pleasure) endorsement, and all United
14 States and Canadian vessels engaged exclusively in the coasting trade
15 on the west coast of the continental United States (including Alaska)
16 and/or British Columbia shall be exempt from the provisions of this
17 chapter unless a pilot licensed under this chapter be actually
18 employed, in which case the pilotage rates provided for in this
19 chapter shall apply.

20 (2) The board may, upon the written petition of any interested
21 party, and upon notice and opportunity for hearing, grant an

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

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

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

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