

HOUSE BILL REPORT

HB 1647

As Passed House:
March 6, 2019

Title: An act relating to mandatory rest periods for pilots.

Brief Description: Concerning mandatory rest periods for pilots.

Sponsors: Representatives Chapman, Boehnke, Barkis, Ortiz-Self, Shewmake and Goodman;
by request of Board of Pilotage Commissioners.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/31/19, 2/7/19 [DP].

Floor Activity:

Passed House: 3/6/19, 92-5.

Brief Summary of Bill

- Requires marine pilots to have mandatory rest periods of at least 10 hours, rather than seven hours, after an assignment, and a mandatory rest period that mitigates fatigue after three consecutive night assignments.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson, Hoff and Ormsby.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler, Assistant Ranking Minority Member.

Staff: Trudes Tango (786-7384).

Background:

The Board of Pilotage Commissioners (BPC), created by the Legislature, recommends legislation and develops policies and rules to prevent the loss of lives, property, and vessels, and protect the marine environment, by maintaining efficient and competent pilotage on the

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state's inland waters. The BPC enforces the Pilotage Act and administers testing, training, and licensing of marine pilots.

After completing an assignment or assignments that are seven hours or longer in duration, a pilot or pilot trainee must receive a mandatory rest period of seven hours. Generally, the average assignment duration is a little over nine hours.

A pilot or pilot trainee must refuse an assignment if the pilot or pilot trainee is physically or mentally fatigued, or if the pilot or pilot trainee has a reasonable belief that the assignment cannot be carried out in a competent and safe manner. Upon refusing an assignment, a pilot or pilot trainee must submit a written explanation to the BPC within 48 hours. If the BPC finds that the pilot's or pilot trainee's written explanation is without merit, or reasonable cause did not exist for the refusal, the pilot or pilot trainee may be subject to sanctions, which may include reprimand, monetary fines, revocation or suspension of the pilot's license.

In October 2018 the BPC adopted a policy requiring that a pilot who has completed an assignment that is seven hours or longer, or who has completed multiple harbor shifts which cannot exceed 13 hours total, must take a rest period of at least 10 hours, in order to permit pilots an opportunity of at least eight hours of sleep. The policy also provides that pilots who refuse assignments due to physical or mental fatigue and who submit a written explanation to the BPC within 48 hours will not be reprimanded or disciplined, absent good cause.

The term "circadian misalignment" describes a variety of circumstances, such as inappropriately timed sleep and wake, and misalignment of sleeping and waking with feeding rhythms.

Summary of Bill:

Pilots must have a mandatory rest period of at least 10 hours, with an opportunity for eight hours of uninterrupted sleep, after completing an assignment, excluding multiple assignments within a harbor area, provided the combined total duration of assignment time does not exceed 13 hours. The BPC determines what a "harbor area" means.

Pilots must have a mandatory rest period that mitigates fatigue caused by circadian misalignment after three consecutive night assignments, as defined by the BPC.

The provision authorizing the BPC to impose sanctions for a pilot's or pilot trainee's refusal of an assignment is removed.

A pilot trainee must not take a training program trip if the pilot trainee is physically or mentally fatigued or if the pilot trainee has reasonable belief that the training program trip cannot be carried out in a competent and safe manner.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Pilots have stressful and highly technical jobs. This bill modernizes the statute to align rest requirements with the science on circadian rhythms. At least 10 hours of rest is consistent with standards. Reduced sleep can have a detrimental impact on a pilot's judgement, reaction time, communication abilities, and situational awareness. Fatigue is a hazard that must be managed by regulators, pilots, and the industry.

(Opposed) None.

Persons Testifying: Representative Chapman, prime sponsor; Jaimie Bever, Board of Pilotage Commissioners; and Eric VonBrandenfels, Puget Sound Pilots.

Persons Signed In To Testify But Not Testifying: None.