

WAC 363-116-200 Duties of pilots. (1) In any case where a vessel in the charge of a state licensed pilot or a state licensed pilot trainee is involved in an incident or near-miss occurrence, the pilot and the pilot trainee on the vessel shall make a report to the board in the following required manner:

(a) *Report of Incident.* A state licensed pilot and a state licensed pilot trainee involved in an incident shall notify the board by telephoning or radioing the Marine Exchange of Puget Sound as soon as the situation is stabilized or within one hour of reaching shore. In addition, all incidents shall be reported to the board on the *Report of Incident* form as soon as possible after the incident, but in no event more than ten days afterwards. If a pilot trainee is involved, both the pilot trainee and the supervising pilot shall file a *Report of Incident*. In any event where a pilot or pilot trainee is unaware of the occurrence of an incident at the conclusion of his/her piloting assignment, the pilot and pilot trainee shall file a *Report of Incident* within ten days of being informed of the occurrence of the incident. An incident includes an actual or apparent collision, allision or grounding, as well as a navigational occurrence which results in actual or apparent personal injury or property damage or environmental damage. An incident also includes any occurrence where a pilot or pilot trainee falls or is injured while embarking or disembarking a vessel or otherwise is physically endangered while performing his/her duties on a vessel, regardless of whether the incident results in physical injury to the pilot or pilot trainee.

(b) *Report of Marine Safety Occurrence.* A state licensed pilot and state licensed pilot trainee involved in a near-miss occurrence shall complete the board required *Report of Marine Safety Occurrence* form and file it with the board as soon as possible after the near-miss occurrence, but in no event more than ten days afterwards. If a pilot trainee is involved, both the pilot trainee and the supervising pilot shall file a *Report of Marine Safety Occurrence*. A near-miss occurrence is where a pilot and pilot trainee successfully takes action of a nonroutine nature to avoid a collision with another vessel, structure or aid to navigation, to avoid a grounding of the vessel or to avoid causing damages to the environment. Information relating to near-miss occurrences provided by a pilot and pilot trainee on this form shall not be used for imposing any sanctions or penalties against the pilot or pilot trainee involved in the occurrence. A state licensed pilot or pilot trainee may also use this form on a voluntary basis for reporting out of the ordinary occurrences or concerns for navigational safety encountered or observed during the course of piloting a vessel as well as safety issues encountered or observed on the vessel, the dock, or in the area around the vessel.

(c) Completion of these forms does not replace or relieve a pilot or pilot trainee from any other reporting requirements under federal, state or local law. If circumstances permit, a pilot or pilot trainee will notify the vessel master of his/her intent to file a report of incident or marine safety occurrence with the board. The board shall forward a copy of any form received to the respective shipper or its board representative. The board may, with or without a complaint being made against a pilot or pilot trainee, investigate the matter reported upon.

(2) Pilots and pilot trainees will report to the pilot office and to the aides to navigation officer of the United States Coast Guard, all changes in lights, range lights, buoys, and any dangers to navigation that may come to their knowledge.

(3) Any pilot or pilot trainee who shall fail, neglect or refuse to make a report to the board as required by the pilotage laws of the state, or by these rules and regulations, for a period of ten days after the date when the report is required to be made, shall be subject to having his/her license suspended at the discretion of the board, and if he/she fails to report for a period of thirty days the board may, at its discretion, revoke his/her license.

(4) Pilots or pilot trainees when so notified in writing shall report in person to the board at any meeting specified in such notice.

(5) Any pilot or pilot trainees summoned to testify before the board shall appear in accordance with such summons and shall make answer, under oath, to any question put to him/her which deals with any matter connected with the pilot service, or of the pilotage waters over which he/she is licensed to act. He/she shall be entitled to have his/her attorney or advisor present during any such appearance and testimony.

(6) Any pilot who shall absent himself/herself from his/her pilotage duties or district for a period of sixty days without permission of the board of pilotage commissioners shall be liable to suspension or to the forfeiture of his/her license.

(7) A pilot or pilot trainee on boarding a ship, if required by the master thereof, shall exhibit his/her license, or photo static copy thereof.

(8) When a pilot licensed under this act is employed on an enrolled ship, the same rules and regulations shall apply as pertain to registered ships.

(9) Any state licensed pilot or pilot trainee assigned to pilot a vessel entering, leaving, or shifting berths under its own power in any of the waters subject to the provisions of chapter 88.16 RCW shall before assuming pilotage obligations for such vessel obtain assurance from the master that the vessel meets all requirements for safe navigation and maneuvering. In addition, the pilot or pilot trainee shall obtain assurance that the ship's officers will maintain navigation procedures by all navigational aids available to insure that the vessel's position is known at all times. If the pilot or pilot trainee in his/her professional judgment considers the vessel to be incapable of safe navigation and maneuvering due to performance limitations, he/she shall refuse to assume the obligations of pilotage for such vessel until such limitations have been corrected and shall promptly notify the pilot's control station and the chairman of the board of pilotage commissioners of such action.

(10) In providing pilotage services under chapter 88.16 RCW every pilot and pilot trainee shall perform those duties in a professional manner and without negligence so as to not endanger life, limb or property, not violate or not fail to comply with state laws or regulations intended to promote marine safety or to protect navigable waters.

(11) A pilot involved in a serious marine incident as that term is defined in 46 C.F.R. 4.03-2 shall, in addition to meeting all requirements imposed by federal law:

(a) To the extent practicable and safe, stabilize the vessel and request relief by the dispatching of another pilot; and

(b) As soon as the relief pilot arrives, transfer the con of the vessel to the new pilot; such that the pilot and any pilot trainee involved in the incident may meet the requirements of 46 C.F.R. Part 4.06.

[Statutory Authority: Chapter 88.16 RCW. WSR 12-04-061, § 363-116-200, filed 1/30/12, effective 3/1/12; WSR 08-22-003, § 363-116-200, filed 10/23/08, effective 11/23/08. Statutory Authority: Chapter 88.16 RCW and 2008 c 128. WSR 08-15-119, § 363-116-200, filed 7/21/08, effective 8/21/08. WSR 97-08-042, recodified as § 363-116-200, filed 3/28/97, effective 3/28/97. Statutory Authority: Chapter 88.16 RCW. WSR 97-06-106, § 296-116-200, filed 3/5/97, effective 4/5/97; Order 73-6, § 296-116-200, filed 5/11/73; Order 2-68, § 296-116-200, filed 11/1/68; § 20, effective 11/25/58.]