

SENATE BILL REPORT

SB 5563

As Reported by Senate Committee On:
Transportation, February 20, 2019

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

Brief Description: Concerning mandatory rest periods for pilots.

Sponsors: Senators Hobbs, Fortunato, Takko and Conway; by request of Board of Pilotage Commissioners.

Brief History:

Committee Activity: Transportation: 2/13/19, 2/20/19 [DP, w/oRec].

Brief Summary of Bill

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

SENATE COMMITTEE ON TRANSPORTATION

Majority Report: Do pass.

Signed by Senators Hobbs, Chair; Saldaña, Vice Chair; King, Ranking Member; Sheldon, Assistant Ranking Member; Cleveland, Das, Fortunato, Lovelett, Nguyen, Randall, Takko, Wilson, C. and Zeiger.

Minority Report: That it be referred without recommendation.

Signed by Senators O'Ban and Padden.

Staff: Hayley Gamble (786-7452)

Background: Board of Pilotage. Generally, most foreign-flagged vessels are required to use a licensed marine pilot when operating in Puget Sound or Grays Harbor waters. The Board of Pilotage (Board) is a state board created in 1935 that trains and licenses marine pilots, and enforces pilotage laws. The Board may also consider providing exemptions to pilotage requirements for certain vessels.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Marine Pilots. After completing an assignment or assignments 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 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 Board within 48 hours. If the Board finds 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.

Current Rest Period Practices. In October 2018, the Board adopted a policy requiring a pilot who has completed an assignment 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 ten hours, to permit pilots an opportunity of at least eight hours of sleep. The policy also provides pilots who refuse assignments due to physical or mental fatigue and who submit a written explanation to the Board within 48 hours will not be reprimanded or disciplined, absent good cause.

Summary of Bill: Pilots must have a mandatory rest period of at least ten 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 Board determines what a harbor area means. The length of assignment requiring a rest period of seven hours is removed.

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

The provision authorizing the Board 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 the training program trip cannot be carried out in a competent and safe manner.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We would like to see rest period laws updated. The Board had a sleep expert review current statutes and a committee reviewed this information. This bill includes the recommended changes. Fatigue is recognized as a hazard that needs to be mitigated.

Persons Testifying: PRO: Senator Steve Hobbs, Prime Sponsor; Jaimie Bever, Executive Director, Board of Pilotage Commissioners; Eric von Brandenfels, Puget Sound Pilots.

Persons Signed In To Testify But Not Testifying: No one.