

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5262

65th Legislature
2017 Regular Session

Passed by the Senate March 1, 2017
Yeas 48 Nays 1

President of the Senate

Passed by the House April 5, 2017
Yeas 97 Nays 0

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Hunter G. Goodman, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5262** as passed by Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5262

Passed Legislature - 2017 Regular Session

State of Washington

65th Legislature

2017 Regular Session

By Senate Transportation (originally sponsored by Senators King and Hobbs)

READ FIRST TIME 02/16/17.

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