
HOUSE BILL 1409

State of Washington

65th Legislature

2017 Regular Session

By Representatives Orcutt and Clibborn

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

29 (3) Every vessel not exempt under subsection (1) or (2) of this
30 section shall, while navigating the Puget Sound and Grays Harbor
31 pilotage districts, employ a pilot licensed under the provisions of
32 this chapter and shall be liable for and pay pilotage rates in
33 accordance with the pilotage rates herein established or which may
34 hereafter be established under the provisions of this chapter:
35 PROVIDED, That any vessel inbound to or outbound from Canadian ports
36 is exempt from the provisions of this section, if said vessel
37 actually employs a pilot licensed by the Pacific pilotage authority
38 (the pilot licensing authority for the western district of Canada),
39 and if it is communicating with the vessel traffic system and has
40 appropriate navigational charts, and if said vessel uses only those

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

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