

CHAPTER 194

[Senate Bill No. 5861]

SMALL PASSENGER VESSELS—EXEMPTION FROM STATE PILOTAGE ACT

AN ACT Relating to exempting small passenger vessels from certain provisions of chapter 88.16 RCW; amending RCW 88.16.070; creating a new section; and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

NEW SECTION. Sec. 1. The legislature intends to provide a limited exemption from the provisions of this chapter for a specified class of small vessels registered as passenger vessels or yachts. It is not the intent of the legislature that such an exemption shall be a precedent for future exemptions of other classes of vessels from the provisions of this chapter.

Sec. 2. Section 4, chapter 18, Laws of 1935 as last amended by section 6, chapter 337, Laws of 1977 ex. sess. and RCW 88.16.070 are each amended to read as follows:

All vessels under enrollment and all United States and Canadian vessels engaged exclusively in the coasting trade on the west coast of the continental United States (including Alaska) and/or British Columbia shall be exempt from the provisions of this chapter unless a pilot licensed under this chapter be actually employed, in which case the pilotage rates provided for in this chapter shall apply. However, the board shall, upon the written petition of any interested party, and upon notice and hearing, grant an exemption from the provisions of this chapter to any vessel that the board finds is a small passenger vessel or yacht which is not more than five hundred gross tons (international), does not exceed two hundred feet in length, and is operated exclusively in the waters of the Puget Sound pilotage district and lower British Columbia. Such an exemption shall not be detrimental to the public interest in regard to safe operation preventing loss of human lives, loss of property, and protecting the marine environment of the state of Washington. Such petition shall set out the general description of the vessel, the contemplated use of same, the proposed area of operation, and the name and address of the vessel's owner. The board shall annually, or at any other time when in the public interest, review any exemptions granted to this specified class of small vessels to insure that each exempted vessel remains in compliance with the original exemption. The board shall have the authority to revoke such exemption where there is not continued compliance with the requirements for exemption. The board shall maintain a file which shall include all petitions for exemption, a roster of vessels granted exemption, and the board's written decisions which shall set forth the findings for grants of exemption. The board shall report annually to the legislature on such exemptions. Every vessel not so exempt, shall while navigating the Puget Sound and Grays Harbor and Willapa Bay pilotage districts, employ a pilot licensed under the provisions of this chapter and shall be liable for

and pay pilotage rates in accordance with the pilotage rates herein established or which may hereafter be established under the provisions of this chapter: PROVIDED, That any vessel inbound to or outbound from Canadian ports is exempt from the provisions of this section, if said vessel actually employs a pilot licensed by the Pacific pilotage authority (the pilot licensing authority for the western district of Canada), and if it is communicating with the vessel traffic system and has appropriate navigational charts, and if said vessel uses only those waters east of the international boundary line which are west of a line which begins at the southwestern edge of Point Roberts then to Alden Point (Patos Island), then to Skipjack Island light, then to Turn Point (Stuart Island), then to Kellet Bluff (Henry Island), then to Lime Kiln (San Juan Island) then to the intersection of one hundred twenty-three degrees seven minutes west longitude and forty-eight degrees twenty-five minutes north latitude then to the international boundary. The board shall correspond with the Pacific pilotage authority from time to time to ensure the provisions of this section are enforced. If any exempted vessel does not comply with these provisions it shall be deemed to be in violation of this section and subject to the penalties provided in RCW 88.16.150 as now or hereafter amended and liable to pilotage fees as determined by the board. The board shall investigate any accident on the waters covered by this chapter involving a Canadian pilot and shall include the results in its annual report.

NEW SECTION. Sec. 3. This act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

Passed the Senate March 17, 1987.

Passed the House April 16, 1987.

Approved by the Governor April 25, 1987.

Filed in Office of Secretary of State April 25, 1987.

CHAPTER 195

[Senate Bill No. 5469]

OBSELETE STATUTORY REFERENCES CORRECTED REGARDING THE DEPARTMENT OF TRADE AND ECONOMIC DEVELOPMENT

AN ACT Relating to obsolete statutory references; amending RCW 27.60.040, 27.60.045, 28B.30.537, 43.31.800, 43.31.810, 43.31.820, 43.31.830, 43.31.833, 43.31.850, 43.31.960, 43.160.115, 43.165.030, 43.165.080, 43.240.030, and 76.56.020; reenacting and amending RCW 43.160.030; and decodifying RCW 43.63A.090, 43.96B.010, 43.96B.020, 43.96B.030, 43.96B.060, 43.96B.070, 43.96B.080, 43.96B.090, 43.96B.100, 43.96B.110, 43.96B.120, 43.96B.130, 43.96B.140, 43.96B.150, 43.96C.010, 43.96C.020, 43.96C.030, 43.96C.040, 43.96C.050, and 43.96C.060.

Be it enacted by the Legislature of the State of Washington: