

CHAPTER 18.

[H. B. 118.]

REGULATING PILOTS.

AN ACT for the protection of shipping and the safety of human life and property, regulating pilots and pilotage on the waters of Puget Sound and adjacent inland waters; creating the Board of Pilotage Commissioners of the State of Washington and prescribing its powers and duties; providing for the licensing, regulation and compensation of pilots; establishing a special fund for the purposes of this act and appropriating monies therefrom; defining vessels subject to pilotage; prohibiting piloting by unlicensed persons and the employment of unlicensed persons as pilots; defining offenses under this act and prescribing penalties for the same; and repealing certain acts and parts of acts in conflict herewith.

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

Board of pilotage commissioners, creation of.

SECTION 1. The board of pilotage commissioners of the State of Washington is hereby created and shall consist of the director of labor and industries of the State of Washington, *ex officio*, who shall be chairman of the board, and of four members appointed by the governor. Each of said appointed members shall be appointed for a term of four years from the date of his commission. No person shall be eligible for appointment to said board unless he be at the time of his appointment over twenty-one years of age and a citizen of the United States and of the State of Washington. Two of said appointed commissioners shall be pilots licensed under this act and actively engaged in piloting upon the waters covered by this act for at least three years immediately preceding the time of their appointment. Two of said appointive commissioners shall be actively engaged in the ownership, operation or management of deep sea cargo and/or passenger carrying vessels for at least three years immediately preceding the time of their appointment. One of said shipping men shall be a representative of American and one

Qualification.

Term, power and duties.

of them for foreign shipping. The appointive commissioners shall hold office for the period for which they are appointed and until their successors are appointed and qualified, and any vacancy in an appointive position on the board shall be filled by the governor for a term of four years.

SEC. 2. The members of said board shall serve without payment of compensation or expense. The office of the department of labor and industries of the State of Washington shall be the office of the board and all records of the board shall be kept in said office.

No compensation.

SEC. 3. "Puget Sound and adjacent inland waters," whenever used in this act, shall be construed to mean and include all the inland waters of the State of Washington inside the international boundary line between the State of Washington and British Columbia extending south to and including Olympia, but excluding that portion of the Straits of Juan de Fuca west of Port Angeles. This act applies to Puget Sound and adjacent inland waters as herein defined.

Definitions.

SEC. 4. All vessels under enrollment and all 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 act unless a pilot licensed under this act be actually employed, in which case the pilotage dues provided for in this act shall apply. Every vessel not so exempt, shall while navigating Puget Sound and adjacent inland waters employ a pilot licensed under the provisions of this act and shall be liable for and pay pilotage dues as herein provided in accordance with the pilotage rates hereinafter set forth or which may hereafter be established under the provisions of this act.

Exemption.

Pilotage dues.

Amount of
dues.

SEC. 5. The pilotage dues payable under the provisions of this act shall, until the same are changed in accordance with the terms of this act, be as follows: One and fifteen-hundredths dollars (\$1.15) per nautical mile: *Provided however*, That the minimum rate for any pilotage service shall be twenty-five dollars (\$25.00), except as hereinafter expressly provided: *Provided further*, That the charge for shifting a vessel from one dock to another in the same port shall be fifteen dollars (\$15.00).

Regulation
of fees.

SEC. 6. No pilot shall charge, collect or receive and no person, firm, corporation or association shall pay for pilotage or other services performed hereunder any greater, less or different amount, directly or indirectly, than the rates or charges herein set forth or which may be hereafter fixed by the board pursuant to this act. Any pilot, person, firm, corporation or association violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail of the county wherein he is convicted for a period of not less than thirty (30) days nor more than six (6) months, or both, said prosecution to be conducted by the prosecuting attorney of any county wherein the offense or any part thereof was committed.

Violation.

Penalty.

Report to be
filed.

SEC. 7. Every pilot licensed under this act shall file with the board not later than the 10th day of January, April, July and October of each year a report for the preceding quarter. Said report shall contain an account of all monies received for pilotage by him or by any other person for him or on his account or for his benefit. Said report shall state the name of each vessel piloted, the amount charged to and/or collected from each vessel, the port of

registry [registry] of such vessel, its dead weight tonnage, whether it was inward or outward bound, whether the amount so received, collected or charged is in full payment of pilotage and such other information as the board shall by regulation prescribe.

SEC. 8. No person shall pilot any vessel subject to the provisions of this act on Puget Sound or adjacent inland waters unless he be appointed and licensed to pilot such vessels on said waters under and pursuant to the provisions of this act. No person shall be eligible to be appointed a pilot unless he is a citizen of the United States, over the age of twenty-five years and has been a resident of the State of Washington for at least three years immediately prior to the time of his appointment, has a practical knowledge of the navigation of vessels and of the conditions of navigation in the waters for which he desires to be licensed, is of good moral character, temperate in his habits, possesses the skill and ability necessary to discharge the duties of pilot, nor unless he holds a first class United States government license to pilot on Puget Sound and adjacent inland waters. Pilots shall be licensed hereunder for a term of five years from and after the date of the issuance of their respective licenses. Such licenses shall thereafter be renewed as of course, unless the board shall withhold same for good cause. Each pilot shall pay to the state treasurer an annual license fee of one hundred dollars (\$100.00) to be placed in the state treasury to the credit of the Puget Sound Pilotage Fund, hereinafter created.

Qualifications of pilot.

License.

License fee.

SEC. 9. The board is authorized and shall have power to make rules and regulations not in conflict with this act covering the matters hereinafter set forth which shall have the force and effect of law until altered, repealed or set aside by action of the board:

Authority of board.

Qualifica-
tion, exam-
ination,
license of
persons.

(a) To establish the qualifications of pilots, provide for their examination and the issuance of licenses to qualified persons and to keep a register of licensed pilots and of vessels, operators and agents.

Pilotage
service.

(b) To provide for the maintenance of efficient and competent pilotage service on all waters covered by this act.

Rates of
pilotage.

(c) To fix the rates of pilotage for the waters covered by this act: *Provided*, That no rate shall be changed upon motion of the board more than once in any twelve months' period: *And provided further*, That the rates established by this act shall be and remain in effect for a period of two years from and after the taking effect of this act and thereafter until changed by the board pursuant to this act: *And provided further*, That no rate shall be increased, lowered or altered without a public hearing of which due notice by registered letter, mailed at least fifteen days prior to the date of hearing, shall have been served upon all pilots licensed under this act and upon all vessel operators and agents who have registered with the board. The board may, despite anything in this act contained, fix extra compensation for extra services to vessels in distress and compensation for awaiting vessels or being carried to sea on vessels against the will of the pilot. In determining rates the board shall have the right to subpoena witnesses.

Duration.

Public
hearing.

Extra com-
pensation.

Other things.

(d) To do such other things as are reasonable, necessary and expedient to insure proper and safe pilotage upon the waters covered by this act and to facilitate the efficient administration of this act.

Printed
rules.

All rules and regulations adopted by the board shall be printed, and a copy thereof shall be mailed to each licensed pilot and to every vessel operator or agent who has registered with the board. Such mailing shall be proved by the affidavit of the per-

son mailing the same, filed with the records of the board, and such affidavit shall be conclusive as to such mailing. All rules and regulations shall be effective three days after the completion of such mailing.

SEC. 10. In all cases where no other penalty is prescribed in this act, any violation of this act or of any rule or regulation of the board shall be punished as a misdemeanor, and all violations may be prosecuted in any court of competent jurisdiction in any county where the offense or any part thereof was committed. In any case where the offense was committed upon a ship, boat or vessel, and there is doubt as to the proper county, the same may be prosecuted in any county through any part of which the ship, boat or vessel passed, during the trip upon which the offense was committed. All fines collected for any violation of this act or any rule or regulation of the board shall within thirty days be paid by the official collecting the same to the state treasurer and shall be credited to the Puget Sound Pilotage Fund.

Violation.

SEC. 11. Any person not holding a license as pilot under the provisions of this act who pilots any vessel subject to the provisions of this act on Puget Sound or adjacent inland waters shall pay to the board the pilotage dues payable under the provisions of this act. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this act who refuses to do so when such a pilot is available shall be guilty of a misdemeanor, and upon conviction thereof such master or owner shall be punished by a fine of not less than one hundred fifty dollars (\$150.00) nor more than five hundred dollars (\$500.00) and shall be imprisoned in the county jail of the county wherein he is so convicted until said fine and the costs of his prosecution are paid.

Dues of
unlicensed
persons.

Misdemeanor

Penalty.

Puget Sound
pilotage
fund,
creation of.

SEC. 12. There is hereby created in the state treasury a special fund to be known as the Puget Sound Pilotage Fund. All monies collected under the provisions of this act shall be paid into the state treasury to the credit of said fund. There is hereby appropriated from the Puget Sound Pilotage Fund the amount of five thousand dollars (\$5,000.00), for the payment of the expenses, maintenance and operation of the board of pilotage commissioners as herein constituted.

Appropriation.

Revocation
of licenses.

SEC. 13. The board shall have power to suspend, withhold or revoke the license of any pilot for misconduct, incompetency, inattention to duty, intoxication or failure to perform his duties under this act, or violation of any of the rules or regulations provided by the board for the government of pilots. No complaint shall be entertained by the board unless same be reduced to writing and duly verified as in civil actions. When a written complaint is filed, the accused party shall be forthwith served with a copy thereof and required to appear and answer the same within ten (10) days from date of service and shall be entitled to a full trial thereof before the board and to be represented by counsel and to subpoena witnesses. The decision of the board must be in writing and entered of record upon the minutes of the board. All final decisions of the board shall be subject to review by the superior court of the State of Washington for Thurston county, to which court any case with all the papers and proceedings therein shall be immediately certified by the chairman of the board if requested to do so by any party to the proceedings at any time within thirty days after the date of any such final decision. No appeal may be taken after the expiration of thirty days after the date of final decision. Any case so certified to the superior court shall be tried *de novo* and after cer-

Decisions of
board.

tification of the record to said superior court the proceedings shall be had as in a civil action.

SEC. 14. Any member of the board shall have power to administer oaths in any matter before the board for consideration or inquiry and to issue subpoenas requiring witnesses to appear before the board. Such subpoenas shall be signed by a member of the board and issued in the name of the State of Washington and be served and returned, and mileage and witness fees shall be paid in like manner and effect as in a civil action. A witness wilfully disobeying such subpoena served upon him shall pay to the Puget Sound Pilotage Fund one hundred dollars (\$100.00), collection of which may be enforced in the name of the board in any court of competent jurisdiction. Said witness may also be proceeded against upon complaint of the board to the prosecuting attorney of the county where his attendance was demanded as for a contempt of the authority of the superior court of said county.

Powers of
board
members.

Violation.

SEC. 15. Each vessel, its tackle, apparel and furniture and the owner thereof shall be jointly and severally liable for the compensation of any pilot employed thereon and such pilot shall have a lien upon such vessel, her tackle, apparel and furniture for such compensation.

Liability of
owner.

SEC. 16. Sections 9871, 9872, 9873, 9874 and 9875 of Remington's Compiled Statutes of Washington (1922) and all other acts or parts of acts relating to pilotage on Puget Sound and adjacent inland waters are hereby expressly repealed.

Repeals
§§ 9871, 9872,
9873, 9874,
9875 Rem.
Comp. Stat.,
Laws of
1922.

SEC. 17. If any section, subsection, sentence, clause or phrase of this act is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this act.

Partial
invalidity.

This act may be cited as the "Puget Sound Pilotage Act."

Passed the House February 14, 1935.

Passed the Senate February 13, 1935.

Approved by the Governor February 23, 1935.

CHAPTER 19.

[S. B. 56.]

APPLICATION OF CERTAIN FEES RECEIVED FROM UNITED STATES TO CURRENT SCHOOL FUND.

AN ACT relating to the application of monies received by the state under the provisions of section 191, title 30, United States Code, Annotated, and under section 810, chapter 12, title 16, Conservation, as contained in the United States Code, Annotated.

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

SECTION 1. That all monies received by the state from the United States, under the provisions of section 191, title 30, United States Code, Annotated, and under section 810, chapter 12, title 16, Conservation, United States Code, Annotated, be applied by the state treasurer to the current school fund.

Application
of funds.

Passed the Senate February 1, 1935.

Passed the House February 18, 1935.

Approved by the Governor February 23, 1935.