

areas of the field of electricity, with special emphasis on the application, uses and phenomena connected with high voltages and high energy, and to cooperate with public and private agencies in the furtherance of such purposes.

Passed the Senate February 15, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.

CHAPTER 15.

[Senate Bill No. 82.]

PILOTAGE ACT.

AN ACT relating to 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, Grays Harbor and Willapa Bay; providing for the licensing, regulation and compensation of pilots; establishing a special account for the purposes of this act; defining vessels subject to pilotage; prohibiting piloting by unlicensed persons and the employment of unlicensed persons as pilots; amending section 2, chapter 18, Laws of 1935 as amended by section 1, chapter 184, Laws of 1941, and RCW 88.16.020; amending section 3, chapter 18, Laws of 1935 and RCW 88.16.050; amending section 4, chapter 18, Laws of 1935 and RCW 88.16.070; amending section 6, chapter 18, Laws of 1935 and RCW 88.16.120; amending section 8, chapter 18, Laws of 1935 and RCW 88.16.090; amending section 9, chapter 18, Laws of 1935 and RCW 88.16.030; amending section 10, chapter 18, Laws of 1935 and RCW 88.16.150; amending section 11, chapter 18, Laws of 1935 and RCW 88.16.130; amending section 14, chapter 18, Laws of 1935 and RCW 88.16.040; amending section 17, chapter 18, Laws of 1935 and RCW 88.16.160; repealing section 12, chapter 18, Laws of 1935 and RCW 88.16.060; repealing section 5, chapter 18, Laws of 1935 and RCW 88.16.080; adding a new section to chapter 18, Laws of 1935 and to chapter 88.16 RCW; defining offenses; and prescribing penalties.

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

Section 1. Section 2, chapter 18, Laws of 1935, as amended by section 1, chapter 184, Laws of 1941,

RCW 88.16.020
amended.

and RCW 88.16.020 are each amended to read as follows:

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. Each pilotage commissioner shall receive the sum of twenty-five dollars per day for each day actually engaged in the conduct of the business of the board, together with necessary traveling expenses, including meals and lodgings, at the rate provided by statute for state employees, to be paid out of the pilotage account on vouchers approved by the chairman of said board.

Navigation.
Board of pilot-
age commis-
sioners—
Office—Com-
pensation of
members.

Sec. 2. Section 3, chapter 18, Laws of 1935, and RCW 88.16.050 are each amended to read as follows:

RCW 88.16.050
amended.

This act applies to Puget Sound and adjacent inland waters and to Grays Harbor and Willapa Bay as those terms are hereinafter defined:

Waters
affected.

(1) "Puget Sound and adjacent inland waters", whenever used in this chapter, 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.

(2) "Grays Harbor and Willapa Bay" shall include all inland waters, channels, waterways, and navigable tributaries within each area. The boundary line between inland waters and the high seas shall be designated as the outermost sea buoy as established and placed for Grays Harbor and Willapa Bay.

Sec. 3. Section 4, chapter 18, Laws of 1935, and RCW 88.16.070 are each amended to read as follows:

RCW 88.16.070
amended.

All vessels under enrollment and all vessels engaged exclusively in the coasting trade on the west

Vessels ex-
empted.

Vessels exempted.

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. Every vessel not so exempt, shall while navigating Puget Sound and adjacent inland waters, Grays Harbor and Willapa Bay, 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.

RCW 88.16.120 amended.

Sec. 4. Section 6, chapter 18, Laws of 1935, and RCW 88.16.120 are each amended to read as follows:

Failure to observe pilotage rate—Penalty.

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 established or which may be hereafter fixed by the board pursuant to this chapter. 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 nor more than one thousand dollars or by imprisonment in the county jail of the county wherein he is convicted for a period of not less than thirty days nor more than six months, or both, said prosecution to be conducted by the prosecuting attorney of any county wherein the offense or any part thereof was committed.

RCW 88.16.090 amended.

Sec. 5. Section 8, chapter 18, Laws of 1935, and RCW 88.16.090 are each amended to read as follows:

Pilots' licenses

No person shall pilot any vessel subject to the provisions of this chapter on waters covered by this chapter unless he be appointed and licensed to pilot

such vessels on said waters under and pursuant to the provisions of this chapter. 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, or Grays Harbor and Willapa Bay, whichever of these waters for which he desires to be licensed. 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 to be placed in the state treasury to the credit of the pilotage account.

Navigation.
Pilots' licenses
—Qualifica-
tions—Dura-
tion—Annual
fee.

Sec. 6. Section 9, chapter 18, Laws of 1935, and RCW 88.16.030 are each amended to read as follows:

RCW 88.16.030
amended.

The board is authorized and shall have power to make rules and regulations not in conflict with this chapter 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:

Rules and
regulations—
Rates.

(1) 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.

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

Navigation.
Board of pilot-
age commis-
sioners. Rules
and regulations
—Rates.

(3) To fix the rates of pilotage for the waters covered by this chapter: *Provided*, That no rate shall be changed by the board more than once in any twelve months' period: *And Provided Further*, That the rates presently in effect shall remain in effect until changed by the board pursuant to this chapter: *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 chapter to pilot vessels on the particular waters for which the change of rate is proposed and upon all vessel operators and agents who have registered with the board. The notice shall specify the waters for which the change of rate is sought and also the change proposed. The board may, despite anything in this chapter 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.

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

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 person 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. 7. Section 10, chapter 18, Laws of 1935, and RCW 88.16.150 are each amended to read as follows:

In all cases where no other penalty is prescribed in this chapter, any violation of this chapter 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 chapter 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 pilotage account.

RCW 88.16.150 amended.

General penalty—Disposition of fines.

Sec. 8. Section 11, chapter 18, Laws of 1935, and RCW 88.16.130 are each amended to read as follows:

Any person not holding a license as pilot under the provisions of this chapter who pilots any vessel subject to the provisions of this chapter on waters covered by this chapter shall pay to the board the pilotage rates payable under the provisions of this chapter. Any master or owner of a vessel required to employ a pilot licensed under the provisions of this chapter 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 nor more than five hundred dollars 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.

RCW 88.16.130 amended.

Pilotage dues of unlicensed pilots—Penalty for refusing to employ licensed pilot.

Sec. 9. Section 14, chapter 18, Laws of 1935, and RCW 88.16.040 are each amended to read as follows:

RCW 88.16.040

Navigation.
Oaths and sub-
poenas—Com-
pelling
attendance of
witnesses—
Penalty.

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 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.

RCW 88.16.160
amended.

Sec. 10. Section 17, chapter 18, Laws of 1935, and RCW 88.16.160 are each amended to read as follows:

Severability.

If any section, subsection, sentence, clause or phrase of this chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining provisions of this chapter. This chapter may be cited as the "Pilotage Act."

New section.

Sec. 11. There is added to chapter 18, Laws of 1935 and to chapter 88.16 RCW a new section to read as follows:

Pilotage ac-
count.

The account in the general fund designated in RCW 43.79.330 (17) as the "Puget Sound pilotage account" is hereby redesignated as the "pilotage account".

Repeal.

Sec. 12. Section 12, chapter 18, Laws of 1935 and RCW 88.16.060, and section 5, chapter 18, Laws of 1935 and RCW 88.16.080 are each hereby repealed.

Passed the Senate February 1, 1967.

Passed the House February 26, 1967.

Approved by the Governor March 7, 1967.