

CHAPTER 69

[Engrossed Substitute Senate Bill No. 3133]

SHIP'S PILOT—LIABILITY FOR WILFUL MISCONDUCT OR GROSS NEGLIGENCE

AN ACT Relating to pilots and pilotage; adding a new section to chapter 86.16 RCW; repealing section 2, chapter 196, Laws of 1981 and RCW 88.16.116; repealing section 3, chapter 196, Laws of 1981 and RCW 88.16.117; and declaring an emergency.

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

NEW SECTION. Sec. 1. There is added to chapter 86.16 RCW a new section to read as follows:

A ship's pilot licensed to act as such by the state of Washington shall not be liable for damages in excess of the amount of five thousand dollars for damages or loss occasioned by the pilot's errors, omissions, fault, or neglect in the performance of pilotage services, except as may arise by reason of the wilful misconduct or gross negligence of the pilot.

When a pilot boards a vessel, that pilot becomes a servant of the vessel and its owner and operator. Nothing in this act exempts the vessel, its owner or operator from liability for damage or loss occasioned by that ship to a person or property on the ground that (1) the ship was piloted by a Washington state licensed pilot, or (2) the damage or loss was occasioned by the error, omission, fault, or neglect of a Washington state licensed pilot.

NEW SECTION. Sec. 2. The following acts or parts of acts are each repealed:

- (1) Section 2, chapter 196, Laws of 1981 and RCW 88.16.116; and
- (2) Section 3, chapter 196, Laws of 1981 and RCW 88.16.117.

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 January 27, 1984.

Passed the House February 23, 1984.

Approved by the Governor March 1, 1984.

Filed in Office of Secretary of State March 1, 1984.