



STATE OF WASHINGTON
BOARD OF PILOTAGE COMMISSIONERS

STATEMENT OF POLICY

REGARDING: **Interpretation of the phrase “...person not holding a license as a pilot...” and the phrase “...pilot rates payable...” as used in RCW 88.16.130.**

It is the policy of the Board that for the purpose of applying the provisions set forth in RCW 88.16.130, the phrase, “person not holding a license as a pilot” shall mean a person who has either never been issued a Washington State Pilot License in accordance with the Pilotage Act (RCW 88.16) or a person who has a Washington State Pilot License which has been permanently or temporarily rendered inactive for piloting by the application of provisions of the RCW or WAC.

Actions which permanently or temporarily render a Washington State Pilot License inactive for piloting include but are not limited to:

1. The pilot has been declared unfit for duty by a Board-Designated Physician.
2. The license has been revoked or suspended in accordance with any provisions of RCW 88.16.100.
3. The license has been revoked or suspended in accordance with the provisions of WAC 363-116-115.
4. The license has been suspended in accordance with WAC 363-116-370.
5. The license has been summarily or temporarily suspended in accordance with WAC 363-116-420.
6. The license has expired due to the age of the pilot per RCW 88.16.090(2)(a)(ii).
7. The license has been canceled due to the retirement of the pilot.
8. The pilot has failed to provide a copy of a currently valid United States government license with radar endorsement as required by WAC 363-116-110(1). Errors or delays caused by the United States in issuing said license/endorsement are no bar to the application of this paragraph.

9. The license has not been renewed as required by RCW 88.16.090(7).
10. The pilot has failed to remit the fee required by RCW 88.16.090(7) and WAC 363-116-070.
11. The pilot has failed to take or is unable to pass the physical examination prescribed by RCW 88.16.090(8).
12. The license is inactive for piloting as the result of the proper application of any other provision of the RCW or WAC.

It is further the policy of the Board that the provisions of RCW 88.16.130 shall not apply to a pilot who pilots a vessel which exceeds the limitations placed on the pilot's license as provided by RCW 88.16.105 and WAC 363-116-082 if such pilot was dispatched to the assignment due to an error in the data associated with the vessel tonnage or other circumstance beyond the pilot's control and said pilot is unable to obtain a relief in a timely manner such as to put the vessel at risk. The Board will evaluate such situations on a case-by-case basis and may apply RCW 88.16.130 if it determines that the error was caused by the pilot.

It is further the policy of the Board that the phrase, "...pilot rates payable..." as used in RCW 88.16.130 shall mean all the tariff charges specified in the WAC that apply to that portion of a transit during which the person acted as the pilot in control of the navigation of the vessel while not holding a valid license as a pilot as described above. Such charges include the LOA rate, tonnage charges, boarding charges, waterway and bridge charges, etc. Said charges shall also include the transportation charge applicable to the assignment.

It is further the policy of the Board that such rates shall be paid by the pilot to the Washington State Treasurer for deposit in the Pilotage Account as specified in WAC 363-116-070. Such rates paid by a pilot in accordance with RCW 88.16.130 as interpreted by this Statement of Policy shall not relieve the vessel from paying the tariff as specified in the WAC.