
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 606 Session of
2015

INTRODUCED BY MCGARRIGLE, PILEGGI AND RAFFERTY, MARCH 6, 2015

REFERRED TO JUDICIARY, MARCH 6, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for limited liability for pilots and
4 apprentices.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8340.3. Licensed pilot liability.

10 (a) Purpose.--The purpose of this section is to stimulate
11 and preserve maritime commerce on the pilotage grounds of this
12 Commonwealth by limiting and regulating the liability of certain
13 pilots, which commerce is essential to the economic viability of
14 this Commonwealth's maritime commerce and serves the public
15 interests.

16 (b) Limited liability.--A licensed pilot or apprentice
17 providing pilot services shall not be liable for more than
18 \$5,000 for damage or loss caused by the licensed pilot's or
19 apprentice's error, omission, fault or neglect in the

1 performance of the pilot services, except for the following:

2 (1) damage or loss that arises because of the willful
3 misconduct or reckless disregard for safety by the licensed
4 pilot or apprentice; or

5 (2) an act or omission relating to the ownership and
6 operation of a pilot boat unless the pilot boat is directly
7 involved in pilot services other than the transportation of
8 licensed pilots.

9 (c) Vessel owners and operators.--This section does not
10 exempt a vessel or its owner or operator from liability for
11 damage or loss caused by the vessel to a person or property on
12 the grounds that:

13 (1) the vessel was piloted by a licensed pilot or
14 apprentice; or

15 (2) the damage or loss was caused by the error,
16 omission, fault or neglect of a licensed pilot or apprentice.

17 (d) Dismissal of proceedings.--In a proceeding brought
18 against a licensed pilot or apprentice for an act or omission
19 for which liability is limited as provided by this section and
20 in which other claims are made or anticipated with respect to
21 the same act or omission the court shall dismiss the proceedings
22 as to the licensed pilot or apprentice to the extent the
23 pleadings allege liability of the pilot that exceeds \$5,000.

24 (e) Other limitations of liability.--Liability under this
25 section shall also be limited as follows:

26 (1) A pilot or apprentice shall not be liable directly
27 or as a member of an organization of pilots for any claim
28 that:

29 (i) arises from an act or omission of another pilot,
30 apprentice or organization of pilots; and

1 (ii) relates directly or indirectly to pilot
2 services.

3 (2) An organization of pilots shall not be liable for
4 any damages caused by a licensed pilot's or apprentice's
5 error, omission, fault or neglect in the performance of
6 pilotage.

7 (f) Defense.--For the sole purpose of occasions when this
8 section is applicable as a defense to liability by a licensed
9 pilot or apprentice, the licensed pilot or apprentice asserting
10 the defense shall be considered to have been acting as the
11 servant of the vessel, its owner and its operator.

12 (g) Applicability.--This section shall apply to all causes
13 of action that occur on or after July 1, 2015.

14 (h) Definitions.--As used in this section, the following
15 words and phrases shall have the meanings given to them in this
16 subsection unless the context clearly indicates otherwise:

17 "Apprentice." A person appointed as an apprentice pilot
18 under 4 Pa. Code Ch. 405.9 (relating to apprentices).

19 "Pilot." A person licensed under 4 Pa. Code Ch. 405
20 (relating to pilots and pilotage) by the Navigation Commission
21 for the Delaware River and its Navigable Tributaries.

22 Section 2. This act shall take effect July 1, 2015.