

## AMENDMENTS TO SENATE BILL NO. 606

Sponsor: SENATOR McGARRIGLE

Printer's No. 598

1 Amend Bill, page 1, lines 1 through 4, by striking out all of  
2 said lines and inserting

3 Amending the act of March 29, 1803 (P.L.542, No.156), entitled  
4 "An act to establish a Board of Wardens for the port of  
5 Philadelphia, and for the regulation of pilots and pilotages,  
6 and for other purposes therein mentioned," providing for  
7 licensed pilot and apprentice liability.

8 Amend Bill, page 1, lines 7 through 19; page 2, lines 1  
9 through 30; page 3, lines 1 through 22; by striking out all of  
10 said lines on said pages and inserting

11 Section 1. The act of March 29, 1803 (P.L.542, No.156),  
12 entitled "An act to establish a Board of Wardens for the port of  
13 Philadelphia, and for the regulation of pilots and pilotages,  
14 and for other purposes therein mentioned," is amended by adding  
15 a section to read:

16 Section 31.2. (a) The purpose of this section is to  
17 stimulate and preserve maritime commerce on the pilotage grounds  
18 of this Commonwealth by limiting and regulating the liability of  
19 certain pilots, which commerce is essential to the economic  
20 viability of this Commonwealth's maritime commerce and serves  
21 the public interests.

22 (b) A licensed pilot or apprentice providing pilot services  
23 shall not be liable for more than five thousand dollars for  
24 damage or loss caused by the licensed pilot's or apprentice's  
25 error, omission, fault or neglect in the performance of the  
26 pilot services, except for the following:

27 (1) damage or loss that arises because of the willful  
28 misconduct or reckless disregard for safety by the licensed  
29 pilot or apprentice; or

30 (2) an act or omission relating to the ownership and  
31 operation of a pilot boat unless the pilot boat is directly  
32 involved in pilot services other than the transportation of  
33 licensed pilots.

34 (c) This section does not exempt a vessel or its owner or  
35 operator from liability for damage or loss caused by the vessel

1 to a person or property on the grounds that:  
2 (1) the vessel was piloted by a licensed pilot or  
3 apprentice; or  
4 (2) the damage or loss was caused by the error, omission,  
5 fault or neglect of a licensed pilot or apprentice.  
6 (d) In a proceeding brought against a licensed pilot or  
7 apprentice for an act or omission for which liability is limited  
8 as provided by this section and in which other claims are made  
9 or anticipated with respect to the same act or omission, the  
10 court shall dismiss the proceedings as to the licensed pilot or  
11 apprentice to the extent the pleadings allege liability of the  
12 pilot that exceeds five thousand dollars.  
13 (e) Liability under this section shall also be limited as  
14 follows:  
15 (1) A pilot or apprentice shall not be liable directly or as  
16 a member of an organization of pilots for any claim that:  
17 (i) arises from an act or omission of another pilot,  
18 apprentice or organization of pilots; and  
19 (ii) relates directly or indirectly to pilot services.  
20 (2) An organization of pilots shall not be liable for any  
21 damages caused by a licensed pilot's or apprentice's error,  
22 omission, fault or neglect in the performance of pilotage.  
23 (f) For the sole purpose of occasions when this section is  
24 applicable as a defense to liability by a licensed pilot or  
25 apprentice, the licensed pilot or apprentice asserting the  
26 defense shall be considered to have been acting as the servant  
27 of the vessel, its owner and its operator.  
28 (g) This section shall apply to all causes of action that  
29 occur on or after the effective date of this section.  
30 (h) As used in this section, the following words and phrases  
31 shall have the meanings given to them in this subsection unless  
32 the context clearly indicates otherwise:  
33 "Apprentice." A person appointed as an apprentice pilot  
34 under 4 Pa. Code § 405.9 (relating to apprentices).  
35 "Pilot." A person licensed under 4 Pa. Code Ch. 405  
36 (relating to pilots and pilotage) by the Navigation Commission  
37 for the Delaware River and its Navigable Tributaries.  
38 Section 2. This act shall take effect immediately.