

AMENDMENTS TO SENATE BILL NO. 606

Sponsor: SENATOR McGARRIGLE

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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.