

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 184 Session of 2017

INTRODUCED BY MCGARRIGLE AND KILLION, JANUARY 27, 2017

REFERRED TO JUDICIARY, JANUARY 27, 2017

AN ACT

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

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

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

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

19 (b) A licensed pilot or apprentice providing pilot services
 20 shall not be liable for more than five thousand dollars for

1 damage or loss caused by the licensed pilot's or apprentice's
2 error, omission, fault or neglect in the performance of the
3 pilot services, except for the following:

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

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

11 (c) This section does not exempt a vessel or its owner or
12 operator from liability for damage or loss caused by the vessel
13 to a person or property on the grounds that:

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

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

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

25 (e) Liability under this section shall also be limited as
26 follows:

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

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

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

10 (g) This section shall apply to all causes of action that
11 occur on or after the effective date of this section.

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

15 "Apprentice." A person appointed as an apprentice pilot
16 under 4 Pa. Code § 405.9 (relating to apprentices).

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

20 Section 2. This act shall take effect immediately.