

Introduced by Senator Burton

February 26, 1999

An act to amend Section 1134 of the Harbors and Navigation Code, relating to vessels.

LEGISLATIVE COUNSEL'S DIGEST

SB 1109, as introduced, Burton. Vessels.

Existing law provides that when a pilot for the Bay of San Francisco, San Pablo, or Suisun goes aboard a vessel, the pilot becomes a servant of the vessel and its owner and operator. Existing law also provides that nothing exempts the vessel or its owner or operator from liability to persons or property for damage or loss caused by the vessel or its operation on the ground that the vessel was piloted by a pilot or that the damage or loss was incurred as a result of the pilot's error, omission, fault, or neglect.

This bill would require the vessel and its owners, charterers, managing agents, and operators to defend, indemnify, and hold harmless a pilot and any organization of pilots to which the pilot belongs, and their employees and officers, from any and all liability and expenses in connection with civil claims, suits, or actions relating to the pilot's performance of pilotage services, to the extent to which liability is legally imposed upon the vessel or its owners, charterers, managing agents, and operators, taking into consideration any limitation of liability to which the vessel, its owners, charterers, managing agents, or operators are entitled by statute, regulation, or other applicable rule of law. The bill would specify that this defense and indemnity obligation does not apply to willful

misconduct on the part of the pilot or in connection with administrative licensing actions before the Board of Pilot Commissioners or the United States Coast Guard.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1134 of the Harbors and
2 Navigation Code is amended to read:

3 1134. (a) When a pilot goes aboard a vessel, the pilot
4 becomes a servant of the vessel and its owner and
5 operator. Nothing in this division exempts the vessel or its
6 owner or operator from liability to persons or property for
7 damage or loss caused by the vessel or its operation on the
8 ground that (1) the vessel was piloted by a pilot, or (2)
9 the damage or loss was incurred as a result of the error,
10 omission, fault, or neglect of a pilot.

11 (b) *The vessel and its owners, charterers, managing*
12 *agents, and operators shall defend, indemnify, and hold*
13 *harmless a pilot, any organization of pilots to which the*
14 *pilot belongs, and their employees and officers, from any*
15 *and all liability and expenses in connection with civil*
16 *claims, suits, or actions relating to the pilot’s performance*
17 *of pilotage services. This defense and indemnity*
18 *obligation applies only to the extent to which liability is*
19 *legally imposed upon the vessel or its owners, charterers,*
20 *managing agents, and operators, taking into*
21 *consideration any limitation of liability to which the*
22 *vessel, its owners, charterers, managing agents, or*
23 *operators are entitled by statute, regulation, or other*
24 *applicable rule of law. This defense and indemnity*
25 *obligation does not apply to willful misconduct on the*
26 *part of the pilot or in connection with administrative*
27 *licensing actions before the Board of Pilot Commissioners*
28 *or the United States Coast Guard.*

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