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Chapter No. 328
13/SS01/R90PS
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SENATE BILL NO. 2781

Originated in Senate *Liz Welch* Secretary

SENATE BILL NO. 2781

AN ACT TO CREATE NEW SECTION 59-1-42, MISSISSIPPI CODE OF 1972, TO LIMIT AND REGULATE THE LIABILITY OF CERTAIN VESSEL PILOTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The purpose of this act is to stimulate and preserve maritime commerce on the pilotage grounds of the state by limiting and regulating the liability of certain pilots and to maintain pilotage fees at reasonable amounts as a component of this state's pilotage regulatory system, and is essential to the economic viability of maritime commerce and serves the public interest.

SECTION 2. The following shall be codified as Section 59-1-42, Mississippi Code of 1972:

59-1-42. **Licensed pilot liability.** (1) A licensed pilot or pilot trainee providing pilot services pursuant to Section 59-1-41 shall not be liable for more than Five Thousand Dollars (\$5,000.00) for damage or loss caused by the licensed pilot's or

pilot trainee's error, omission, fault, or neglect in the performance of the pilot services, except for the following:

(a) Damage or loss that arises because of the willful misconduct or reckless disregard for safety by the licensed pilot or pilot trainee; or

(b) An act or omission relating to the ownership and operation of a pilot boat unless the pilot boat is directly involved in pilot services other than the transportation of licensed pilots.

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

(a) The vessel was piloted by a licensed pilot or pilot trainee pursuant to Section 59-1-41; or

(b) The damage or loss was caused by the error, omission, fault, or neglect of a licensed pilot or pilot trainee.

(3) In a proceeding brought against a licensed pilot or pilot trainee providing pilot services pursuant to Section 59-1-41, for an act or omission for which liability is limited as provided by this section and in which other claims are made or anticipated with respect to the same act or omission, the court shall dismiss the proceedings as to the licensed pilot or pilot trainee.

(4) Liability under this section shall also be limited as follows:

(a) A pilot or pilot trainee is not liable directly or as a member of an organization of pilots for any claim that:

(i) Arises from an act or omission of another pilot or pilot trainee or organization of pilots; and

(ii) Relates directly or indirectly to pilot services.

(b) An organization of pilots shall not be liable for any damages caused by a licensed pilot's or pilot trainee's error, omission, fault or neglect in the performance of pilotage services.

(5) For the sole purpose of occasions when this act is applicable as a defense to liability by a licensed pilot or pilot trainee, the licensed pilot or pilot trainee providing pilot services pursuant to Section 59-1-41; asserting the defense shall be considered to have been acting as the servant of the vessel, its owner and its operator.

(6) This section does not apply to a vessel operator, captain, master or pilot that is:

(a) Not required pursuant to Section 59-1-41;

(b) Operating solely under a federal piloting license
or;

(c) Operating an American vessel laden with coast-wise cargo not destined for a foreign port.

(7) This section shall apply to all causes of action that occur on or after July 1, 2013.

SECTION 3. This act shall take effect and be in force from and after July 1, 2013.

PASSED BY THE SENATE
February 12, 2013



PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
February 28, 2013



SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR



GOVERNOR

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