

CHAPTER 278

S.B. No. 1357

AN ACT

relating to the liability of pilots providing pilot services to or from ports located in Harris County, Texas.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. The Houston Pilots Licensing and Regulatory Act (Article 8280a, Vernon's Texas Civil Statutes) is amended by adding Article 7 to read as follows:

ARTICLE 7. LIABILITY OF PILOTS

Sec. 7.01. DECLARATION OF LEGISLATIVE INTENT RELATING TO LIABILITY OF PILOTS. (a) The stimulation and preservation of maritime commerce on the pilotage grounds of this state is declared to be affected with the public interest and the limitation and regulation of liability of pilots is necessary to such stimulation and preservation of maritime commerce and is deemed to be in the public interest.

(b) To accomplish the stimulation and preservation of maritime commerce it is necessary to limit the liability of the pilots.

(c) The legislature hereby declares that this Act is designed to effect the ends and purposes listed in this section and to maintain pilotage fees at reasonable levels.

Sec. 7.02. PILOTS NOT LIABLE FOR CERTAIN ACTS OR OMISSIONS. A pilot is not liable either directly or as a member of an organization of pilots for any claims arising from acts or omissions of any other pilot or organization of pilots that relate directly or indirectly to pilot services.

Sec. 7.03. LIMITING LIABILITY OF PILOTS—LIABILITY OF VESSEL, OWNER, OR OPERATOR NOT LIMITED. (a) A ship's pilot licensed to act as such by the State of Texas and providing service to or from ports of Harris County, Texas, is not liable for damages in excess of the amount of \$1,000 for damages or loss occasioned by the pilot's errors, omissions, fault, or neglect in the performance of pilot services, except as may arise by reason of the wilful misconduct or gross negligence of the pilot.

(b) Nothing in this section exempts the vessel or its owner or operator from liability for damage or loss occasioned by that ship to a person or property on the grounds that:

- (1) the ship was piloted by a Texas state pilot licensed under this Act; or*
- (2) the damage or loss was occasioned by the error, omission, fault, or neglect of a Texas state pilot licensed under this Act.*

(c) A pilot is not liable for any injury, damage, loss, or expense to any legal entity arising out of or connected with any act or omission that relates directly or indirectly to the performance of pilot services in excess of the amount of \$1,000. However, this limitation of liability does not apply to either:

- (1) wilful misconduct on the part of the pilot;*

(2) *liability for exemplary damages based on the gross negligence of the pilot for which no other person is jointly or severally liable; or*

(3) *acts or omissions relating to the ownership and operation of the pilot boats unless the pilot boat is directly involved in pilot services other than the transportation of pilots.*

(d) *When any suit or action is brought in any court against a pilot for any such act or omission for which liability is limited as provided by this section and other claims are made or anticipated in respect of the same act or omission, the court shall dismiss the proceedings as to the pilot to the extent the pleadings allege liability of the pilot exceeding \$1,000.*

SECTION 2. (a) This Act takes effect September 1, 1987.

(b) This Act applies only to pilots licensed or certified by the Board of Pilot Commissioners for the ports of Harris County.

(c) This Act governs over statutes, common law, or decisions inconsistent with this Act.

(d) A pilot's liability is limited under this Act as to any claims covered by this Act that are initially asserted after the effective date of this Act whether or not the services of the pilot were performed under a contract or pilotage rates.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 14, 1987, by a viva-voce vote; and that the Senate concurred in House amendment on June 1, 1987, by a viva-voce vote. Passed the House, with amendment, on May 29, 1987, by a non-record vote.

Approved June 11, 1987.

Effective Sept. 1, 1987.