

1 HB167  
2 128652-1  
3 By Representatives Barton, Fincher, Sessions, McMillan and  
4 Gaston  
5 RFD: Judiciary  
6 First Read: 07-FEB-12

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8 SYNOPSIS: This bill would limit the liability of a bar  
9 pilot providing pilot service to a vessel to \$5,000  
10 unless the damage or loss was caused by a willful,  
11 intentional, or reckless act of the pilot.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT

16  
17 To amend Section 33-4-40, Code of Alabama 1975,  
18 relating to the bond of bar pilots piloting vessels; to  
19 provide certain limitations on the liability of bar pilots  
20 unless the action is willful, intentional, or reckless.

21 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

22 Section 1. Section 33-4-40, Code of Alabama 1975, is  
23 amended to read as follows:

24 "§33-4-40.

25 "(a) The commissioners must preserve on file all  
26 bonds and affidavits taken from pilots, and may, whenever they  
27 consider it necessary, require a new bond to be executed. The

1 pilot's bond stands as security for any injury caused by the  
2 negligence or want of skill of the pilot, and action may be  
3 brought thereon in the name of any person aggrieved.

4 "(b) A pilot providing pilot services to a vessel is  
5 not liable for more than five thousand dollars (\$5,000) for  
6 damage or loss to any person or property caused by the pilot's  
7 error, omission, fault, or neglect in the performance of the  
8 pilot services, unless one of the following applies:

9 "(1) The damage or loss was caused because of the  
10 willful, intentional, or reckless misconduct of the pilot.

11 "(2) Liability exists for exemplary or punitive  
12 damages for willful, intentional, or reckless misconduct for  
13 which no other person is jointly or severally liable.

14 "(c) This section does not exempt a vessel; its  
15 crew; or its owner, charterer, or operator from liability for  
16 damage or loss caused to any person or property by the vessel  
17 on either of the following grounds:

18 "(1) That the vessel was piloted by a pilot.

19 "(2) That the damage or loss was caused by the  
20 error, omission, fault, or neglect of a pilot.

21 "(d) In an action brought against a pilot for an act  
22 or omission for which liability is limited as provided by this  
23 section and in which other claims are made or anticipated with  
24 respect to the same act or omission, the court shall dismiss  
25 the proceedings as to the pilot to the extent the pleadings  
26 allege liability of the pilot that exceeds five thousand  
27 dollars (\$5,000)."

1                   Section 2. All laws or parts of laws which conflict  
2 with this act are repealed.

3                   Section 3. This act shall become effective  
4 immediately following its passage and approval by the  
5 Governor, or its otherwise becoming law.