

“Pilots’ Association” or “Association” means the United New Jersey Sandy Hook Pilots’ Benevolent Association or the United New Jersey Sandy Hook Pilots’ Association.

“Regulated vessel” means all vessels required by the laws of the State of New Jersey to take a licensed pilot.

“Rules of the Road” means the International Regulations for Preventing Collisions at Sea, 1972, (72COLREGS) 33 U.S.C. foll. § 1602 and/or the Unified Inland Rules, 33 U.S.C. §§ 2001-71.

“Sandy Hook pilot” means a person licensed in accordance with New Jersey or New York state law to pilot regulated vessels and is a member of the Pilots’ Association.

“Secretary” means the Secretary of the New Jersey Maritime Pilot and Docking Pilot Commission.

“Ship docking company” means an enterprise which is regularly engaged in the business of providing docking and undocking services to regulated vessels in pilotage waters utilizing tugboats and docking pilots.

“United States vessels sailing under register” means all U.S. vessels that are engaged in trade with foreign lands.

Amended by R.2005 d.307, effective September 6, 2005.
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted the term “Commission” for “Board” and rewrote definition; substituted the term “Commission President” for “Board President” and rewrote definition; added definitions “Docking pilot” and “Independent Pilot Association”; rewrote definitions “Order”, “Pilot” and “Secretary”.

Amended by R.2006 d.295, effective August 21, 2006.
See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

In definition “Apprentice”, substituted “Commission” for “Board”; and added definition “Ship docking company”.

16:64-1.4 New Jersey Maritime Pilot and Docking Pilot Commission

(a) The Commission shall annually elect the following officers from the Commissioners: Commission President, Vice-President, Secretary, and Treasurer. The Commission President shall chair all Commission meetings. In the President’s absence, the Vice-President shall assume all of the President’s duties and responsibilities. The Secretary shall be responsible for the recording and publication of minutes of Commission meetings. The Treasurer shall be responsible for the preparation of the Commission’s financial affairs and reports.

(b) The Commission shall hold regular meetings and notice of any regular meeting shall be made in accordance with the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq. in a situation where there exists a matter of urgency and importance, as defined by N.J.S.A. 10:4-9.b, the Commission may hold a meeting where notice has not been provided.

(c) Any formal action taken by the Commission shall be by a majority vote when there is a quorum present. A majority of the current membership of the Commission con-

stitutes a quorum. In an emergency situation or in any matter not expressly controlled by this chapter or the Act, the Commission President may exercise discretion and take any necessary actions. The Commission President shall report all such actions taken to the other Commissioners as soon as practicable.

(d) The Commission shall have the authority to hire administrative staff and any other staff, independent contractors, or investigators in order to provide assistance in the implementation of the Act and this chapter.

(e) The Secretary may require a person requesting information from the Commission to submit a written request and pay fees or costs when necessary. The Secretary shall review the request in accordance with the requirements of the Open Public Records Act, N.J.S.A. 47:1A-1 et seq. and any other State or Federal law pertaining to public records, confidentiality, and the rules of evidence.

Amended by R.2005 d.307, effective September 6, 2005.
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted “New Jersey Maritime Pilot and Docking Pilot Commission” for “Board of Commissioners” in the rule heading; substituted “Commission” for “Board” throughout section.

Amended by R.2006 d.295, effective August 21, 2006.

See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

In (e), substituted “Open Public Records Act” for “Right to Know Law”, and deleted “/or” preceding “the rules of evidence”.

16:64-1.5 Requirement to take a licensed pilot

(a) The masters of all regulated vessels are required to carry a licensed pilot.

(b) The Pilots’ Association shall utilize a rotation system for pilots as approved by the Commission.

Amended by R.2005 d.307, effective September 6, 2005.
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (b), substituted “Commission” for “Board”.

16:64-1.6 Fees for pilotage

(a) On or before the regular monthly meeting of the Commission, the Pilots’ Association shall render to the Treasurer:

1. An accounting of all fees collected for pilotage during the preceding month; and
2. A payment to the Commission of a percentage of the fees collected as required by N.J.S.A. 12:8-4.

(b) Fees for maritime pilotage shall be established in accordance with N.J.S.A. 12:8-24.1.

Amended by R.2005 d.307, effective September 6, 2005.
See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

In (a)2, substituted “Commission” for “Board”.

Amended by R.2006 d.295, effective August 21, 2006.

See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

Rewrote (b).

16:64-1.7 Failure to take a pilot; penalty

The master, owner, agent, or charterer on any vessel required to take a pilot which fails to do so shall be liable for the full amount of pilotage fees set forth in N.J.A.C. 16:64-1.6 that would otherwise be due, plus a penalty equal to that amount.

New Rule, R.2006 d.295, effective August 21, 2006.
See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

Former N.J.A.C. 16:64-1.7, Incorporation by reference, recodified to N.J.A.C. 16:64-1.8.

16:64-1.8 Incorporation by reference

(a) Any reference in this chapter to any of the items listed in (b) below, including any future supplements or amendments thereto, shall be deemed to incorporate such items by reference.

(b) The following statutes and regulations are incorporated by reference in this chapter:

1. United States Code, Title 21, Parts 802 and 812;
2. Code of Federal Regulations, Title 21, Parts 1301-1316;
3. Code of Federal Regulations, Title 49, Part 40, Procedures for Transportation Workplace Drug Testing Programs, Sections 40.23, 40.25, 40.27, 40.29, 40.31 and 40.39;
4. New Jersey Administrative Code (N.J.A.C. 1:1) Title 1, Chapter 1; and
5. The Rules of the Road as defined in N.J.A.C. 7:61-1.3.

Recodified from N.J.A.C. 16:64-1.7 by R.2006 d.295, effective August 21, 2006.

See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

SUBCHAPTER 2. MARITIME PILOT APPRENTICESHIP**16:64-2.1 Scope**

This subchapter prescribes the necessary qualifications and application procedures for persons wishing to be admitted to the apprenticeship program for Sandy Hook pilots. This subchapter also prescribes the requirements of the maritime pilot apprenticeship program.

Amended by R.2006 d.295, effective August 21, 2006.

See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

In the second sentence, inserted "maritime pilot".

16:64-2.2 Number of apprentices

The number of Sandy Hook pilot apprentices shall be set by the Commission after consultation with the Sandy Hook Pilots' Association and the New York Board of Pilot Commissioners. The number shall be set so as to assure the

sufficiency of the number of licensed Sandy Hook pilots necessary to safely, properly and adequately pilot regulated vessels.

Amended by R.2005 d.307, effective September 6, 2005.

See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Substituted "Commission" for "Board".

16:64-2.3 Qualifications

(a) A person wishing to be registered with the Commission as an apprentice shall present satisfactory evidence, at the time of the application, that he or she:

1. Is at least 18 years of age and is not more than 27 years of age on the application deadline specified in (b) below;
2. Is of good moral character as evidenced through at least two written references provided by the applicant and background checks as may be directed by the Commission;
3. Is in good physical health and at a minimum meets all of the medical and hearing requirements required of the holder of a First Class Federal Pilots' license without waiver and has passed a chemical drug test for dangerous drugs as set forth in N.J.A.C. 16:64-7.6;
4. Has a minimum uncorrected visual acuity of at least 20/50 in each eye, correctable to 20/20 in each eye;
5. Is able to satisfactorily pass one of the following tests for color perception without the use of color sensing lenses:
 - i. Pseudoisochromatic Plates (Dvornine 2nd Edition; AOC; revised edition or AOC-HRR; Ishihara 16-, 24-, or 38-plate editions);
 - ii. Eldridge-Green Color Perception Lantern;
 - iii. Farnworth Lantern;
 - iv. Keystone Orthoscope;
 - v. Keystone Telebinocular;
 - vi. SAMCTT (School of Aviation Medicine Color Threshold Tester);
 - vii. Titmus Optical Vision Tester; or
 - viii. Williams Lantern;
6. Will hold a Bachelor's Degree from an accredited college or university by June 30th of the year the application is filed;
7. Has the ability to read, write, and speak fluent English;
8. Is a citizen of the United States; and
9. Has demonstrated through an interview and testing process the aptitude, interpersonal skills and physical skills required of a pilot.