

ii. The Vessel Traffic Service, or their successors, on the most appropriate sector frequency or by cellphone or land line; and

iii. As soon as practical thereafter to the Commission; and

2. Advise the master that the pilot shall remain on the bridge as an observer only and not as a pilot. However, if the pilot, acting as an observer, notes the vessel is falling into danger, the pilot shall advise the master of the danger and give the master such advice, to the extent the pilot is able, as the master may require in a cooperative effort to extradite the vessel from the impending danger.

(f) Under (e) above, if an occurrence or accident follows, the Commission shall take any special circumstances of the case into account when judging the performance of the pilot.

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

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

In (f), 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).

In (c)4, inserted "and International"; and in (e)1iii, substituted "Commission" for "Board".

Amended by R.2009 d.364, effective December 7, 2009.

See: 41 N.J.R. 2884(a), 41 N.J.R. 4455(a).

In (e)1i, inserted " , cellphone" and "/or"; in (e)1ii, inserted "cellphone or"; and in (e)1iii, deleted "President of the Association and the" preceding "Commission".

#### 16:64-5.4 Illness

(a) A pilot who has been ill or injured to the extent that the pilot has been unable to perform pilotage duties for a period of 30 calendar days or longer shall:

1. Notify the Commission, or arrange for it to be notified as soon as possible, after the 30th day of the disability; and

2. Not resume pilotage duties until the pilot has received the permission of the Commission to return to work.

(b) A pilot applying for permission to return to work shall present to the Commission a statement from a physician indicating fitness for duty and a detailed evaluation of the pilot's physical condition.

(c) Before allowing the pilot to return to duty, the Commission may require the pilot to:

1. Submit to an examination, at the Commission's expense, by a Commission selected physician;

2. Complete the observation trips as set forth in N.J.A.C. 16:64-5.5(c); and

3. Appear before 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).

Substituted "Commission" for "Board" throughout section.

Amended by R.2009 d.364, effective December 7, 2009.

See: 41 N.J.R. 2884(a), 41 N.J.R. 4455(a).

In (a)2, deleted "President, or the designated Commissioner," following "Commission"; in (b), deleted "President or designated Commissioner" following "Commission"; and in the introductory paragraph of (c), deleted " , the Commission President or the designated Commissioner" following "Commission".

#### 16:64-5.5 Route currency

(a) Prior to undertaking the piloting of a vessel, the pilot shall be fully conversant with the existing conditions of the pilotage route including, but not limited to:

1. Tidal and current conditions;

2. Status of aids to navigation;

3. Weather conditions; and

4. Obstructions, traffic conditions and changes since the pilot's last trip over the route.

(b) In the event a pilot has been absent from the performance of pilotage duty or it is anticipated that the pilot will be absent for a period of time in excess of 90 continuous days, for reasons other than illness or injury, the pilot shall notify the Commission and the President of the Association in writing. The notice shall include the reasons for the absence and the date the pilot expects to resume pilotage duties.

(c) A pilot who has not performed pilotage duties for more than 30 continuous days shall, prior to resuming piloting activities, submit a written certification to the Commission that the pilot is fully conversant with the conditions in (a) above. The Commission may require the pilot to appear before the Commission prior to resumption of piloting duties and may, at its discretion, condition the pilot's return to duty upon the completion of a specified number of observation trips over the routes the pilot will be piloting upon return to duty.

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) and (c), substituted "Commission" for "Board".

Amended by R.2007 d.190, effective June 18, 2007.

See: 39 N.J.R. 622(a), 39 N.J.R. 2366(b).

In (c), substituted "30" for "90" and deleted " , with a copy to the Association," preceding "that".

#### 16:64-5.6 Occurrences

(a) Any pilot or apprentice who witnesses an occurrence or who is aboard a vessel involved in an occurrence shall comply with (a)1 and 2 below. An occurrence includes any possible collision, allision, stranding, touching of bottom, power loss, steering loss, damage to or loss of property, personal injury or discharge of a substance into the water.

1. Immediately after the occurrence, and as soon as the pilot's or apprentice's services are no longer needed, provide a report to the Commission; and

2. Within 72 hours, or one business day, whichever is longer, provide the Commission with a written report, on a form provided by the Commission, which provides a detailed description of the occurrence.

(b) Any pilot or apprentice who is involved in or witnesses an occurrence may be required to appear before the Commission.

(c) In addition to the reports required above, the Association, ship docking company or Independent Pilot Association, as appropriate shall promptly investigate any occurrence, which occurs during the time a pilot licensed by the Commission was piloting a vessel involved in an occurrence and the occurrence results in one or more of the following:

1. Personal injury;
2. Property damage in excess of \$10,000;
3. A discharge of substance into the water;
4. Delay of the vessel;
5. A collision or allision; or
6. A grounding or touching of the bottom.

(d) The pilot shall, when requested by the Commission, not later than 30 calendar days after said occurrence obtain and deliver to the Commission copies of the following:

1. Witness statements;
2. Log books (rough and smooth);
3. Printouts from course recorders, depth-measuring devices, and engine orders;
4. Position plots;
5. Photographs; and
6. Soundings.

(e) The Association, ship docking company and/or Independent pilot association, as appropriate, shall not be required to provide the Commission with any opinions or conclusions of its investigators as to the culpability of a pilot licensed by the Commission.

(f) Any pilot or apprentice who fails to make a verbal report or file the written report required by (a) above may be fined \$500.00 for each day the report is late. Any reports filed later than 10 days after the incident shall, in addition to this penalty, subject the pilot to further disciplinary action pursuant to N.J.A.C. 16:64-6. Fines shall be doubled in the event of a second offense.

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" 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).

Rewrote (a)1; in (a)2, inserted "or one business day, whichever is longer,"; and in the introductory paragraph of (c), substituted "was piloting" for "is on board".

Amended by R.2007 d.190, effective June 18, 2007.  
See: 39 N.J.R. 622(a), 39 N.J.R. 2366(b).

Rewrote the introductory paragraph of (a); in the introductory paragraph of (c), inserted " , ship docking company or Independent Pilot Association, as appropriate"; and added (f).

Amended by R.2009 d.364, effective December 7, 2009.  
See: 41 N.J.R. 2884(a), 41 N.J.R. 4455(a).

In the introductory paragraph of (a), deleted a comma following "injury"; in (a)1, deleted "President or designee" following "Commission"; in (a)2, deleted "President or designee and the President of the Association or designee" following the first occurrence of "Commission" and substituted "on a form provided by" for "in a form acceptable to"; in the introductory paragraph of (c), inserted "to the reports required above" and inserted a comma following the first occurrence of "occurrence"; rewrote the introductory paragraph of (d); and rewrote (e).  
Amended by R.2011 d.050, effective February 7, 2011.  
See: 42 N.J.R. 2012(a), 43 N.J.R. 315(b).

In (f), inserted "or apprentice", and substituted "than" for "then".

### 16:64-5.7 Recurrent training

(a) All licensed maritime and docking pilots shall be required to undergo recurrent training in a form and frequency approved by the Commission by November 18, 2008, and once every year thereafter, on or before the first day of November. Each pilot shall ensure that the Association, the Independent Pilot Association(s) and/or ship docking companies the docking pilot is affiliated with (as appropriate) submits a detailed plan to the Commission for recurrent training of all licensed pilots for the calendar year following the submission.

(b) The Commission shall review the plans to assure that they provide for an appropriate level and schedule of training, which may include, but not be limited to, bridge resource management, emergency ship handling and communications, for all pilots.

(c) The Commission shall approve the plan or reject it. In the event the Commission rejects the plan, it shall advise the person or entity that submitted the plan of what changes are required for the Commission to approve the plan. The person or entity that submitted the plan shall submit a revised plan for the Commission's review and approval within 30 days of receipt of the Commission's rejection.

(d) Following Commission approval of a plan, the pilot shall ensure that the plan is implemented.

(e) To the extent possible, plans shall provide for coordinated training among the parties in interest.

New Rule, R.2008 d.201, effective July 21, 2008 (operative October 19, 2008).

See: 40 N.J.R. 1077(a), 40 N.J.R. 4341(a).

Amended by R.2009 d.364, effective December 7, 2009.

See: 41 N.J.R. 2884(a), 41 N.J.R. 4455(a).

Rewrote (a); and in (d), substituted "pilot shall ensure that the plan is implemented" for "person or entity that submitted plan shall implement it"; and in (e), substituted "among" for "amongst".

## SUBCHAPTER 6. PENALTIES, ORDERS AND HEARINGS

### 16:64-6.1 Scope

This subchapter sets forth the Commission's procedures for the issuance of penalties and orders, and the conduct of hearings as they apply to all pilots.