

(d) If a physician reports that the health of a pilot, apprentice, or an applicant for license is deficient, the Board may, at its discretion:

1. Refuse to grant an original license and/or appointment;
2. Suspend or revoke an existing license or apprenticeship pursuant to N.J.A.C. 7:61-6.4;
3. Issue an Order which imposes conditions or limitations on the pilot's license or on the apprentice's training program; and/or
4. Require additional examinations.

(e) The Association shall not assign to a vessel a pilot or an apprentice if the pilot or apprentice has not successfully completed the annual examination required in (a) above or examinations as may be required in (c) above.

7:61-3.7 Oath, bond, and license

(a) After issuance of the certificate of appointment as a deputy or full branch pilot, the applicant shall present the certificate to the Office of the Secretary of State. The applicant shall request the administration of the Oath required by N.J.S.A. 12:8-16.

(b) After taking the oath, the pilot shall provide the Board, within a reasonable time, a bond in the sum of \$500.00, along with sureties of two active pilots, for the faithful discharge of the new pilot's duties. The two sureties shall be acceptable to the Board and shall be pilots in good standing.

(c) Upon the death, resignation, retirement or revocation of the license of any pilot whose name shall appear as surety upon any bond, such bond shall become void and the pilot whose bond it is shall forthwith furnish a new bond with two sureties acceptable to the Board.

(d) Within a reasonable time, the Board shall issue the pilot a license. The license shall be signed by the Secretary of State.

7:61-3.8 Retirement and age-related requirements

(a) (Reserved)

(b) All pilots over the age of 65 shall submit each year to two physical examinations, as specified in N.J.A.C. 7:61-3.6. The second examination shall take place approximately six months after the first examination.

(c) All pilots over the age of 68 are precluded from being licensed as a Grade 1 pilot and any Grade 1 pilot who reaches the age of 68 shall automatically be redesignated as a Grade 2 pilot.

Emergency amendment, R.2001 d.351, effective August 29, 2001 (to expire October 28, 2001).
See: 33 N.J.R. 3374(a).

In (c), substituted "68" for "65" throughout.

7:61-3.9 General license requirements

(a) No person may operate as a licensed pilot unless such person:

1. Maintains a current ARPA (automatic radar plotting aid) and radar certificate;
2. Maintains a valid Federal first class pilot license and endorsement for the routes to be traversed;
3. Has fulfilled all of the requirements of the continuing education program which shall be administered by the Pilots' Association and approved by the Board; and
4. Has submitted to the Board and the Association evidence of the successful completion of required medical examinations.

(b) All pilots shall appear before the Board every year at the next Board meeting following the anniversary date of the pilot's attainment of deputy pilot status. In the event of a conflict, the Board may allow the pilot to appear at a later meeting. Before or at the meeting, the pilot shall provide:

1. A completed annual report form for the past year beginning on the anniversary date of the license which shall require the pilot to include:
 - i. The total number of vessels piloted;
 - ii. The number of days absent from duty due to illness;
 - iii. The routes for which the pilot holds endorsements; and
 - iv. Any activities, outside of piloting, related to the maritime industry that the pilot is involved in;
2. Copies of the results of the medical examinations set forth at N.J.A.C. 7:61-3.6; and
3. Such additional information as may be required of an individual pilot from time to time by the Board.

7:61-3.10 Grades of licensed and grade advancement

(a) All increases in grade, except advancement from Grade 6A to 6, 5A to 5, 3A to 3, and 2A to 2, shall be approved by the Board.

(b) The minimum length of service in each grade is set forth in (d) below. The Board may reduce or increase the grade of a pilot in accordance with N.J.A.C. 7:61-3.11 and 3.12.

(c) Pilots of the first grade shall be designated as full branch pilots; of the second grade, as limited branch pilots; and of the third, fourth, fifth and sixth grades, as deputy pilots. Upon being advanced to pilot of the first grade, the pilot's license as a deputy pilot shall be withdrawn and a new license as a full branch pilot issued.

(d) For all pilots who obtain a certificate of appointment from the Board pursuant to N.J.A.C. 7:61-3.7(a) prior to October 1, 2001, the pilot licensed for a specific grade shall not pilot any vessel of draft or registered gross tonnage greater than that indicated below. The registered gross tonnage of a vessel shall be the highest tonnage published in Lloyd's Register of Ships. A pilot whose license is not of a grade that would allow assignment to the deepest vessel in a tow shall not be assigned to the towing vessel.

1. Grade 6: A Grade 6 pilot shall complete a minimum of one year length of service in Grade 6. The draft may not exceed 30 feet and the registered gross tonnage may not exceed 20,000.

2. Grade 5: A Grade 5 pilot shall complete a minimum of one year length of service in Grade 5. The draft may not exceed 33 feet and the registered gross tonnage may not exceed 25,000.

3. Grade 4: A Grade 4 pilot shall complete a minimum of one year length of service in Grade 4. The draft may not exceed 36 feet and the registered gross tonnage may not exceed 30,000.

4. Grade 3A: A Grade 3A pilot shall complete a minimum of one year length of service in Grade 3A. The draft may not exceed 39 feet and the registered gross tonnage may not exceed 40,000.

5. Grade 3: A Grade 3 pilot shall complete a minimum of one year length of service in Grade 3. The draft may not exceed 42 feet and the registered gross tonnage may not exceed 50,000.

6. Grade 2A: A Grade 2A pilot shall complete a minimum of one year length of service in Grade 2A. There are no draft limitations, but the registered gross tonnage may not exceed 50,000.

7. Grade 2: A Grade 2 pilot shall complete a minimum of one year length of service in Grade 2. There are no draft limitations, but the registered gross tonnage may not exceed 70,000.

8. Grade 1: There are no draft or tonnage limitations on the license.

(e) For all pilots who obtain a certificate of appointment from the Board pursuant to N.J.A.C. 7:61-3.7(a) on or after October 1, 2001, the pilot licensed for a specific grade shall not pilot any vessel of draft or registered gross tonnage greater than that indicated below. The registered gross tonnage of a vessel shall be the highest tonnage published in Lloyd's Register of Ships. A pilot whose license is not of a grade that would allow assignment to the deepest vessel in a tow shall not be assigned to the towing vessel.

1. Grade 6A: A Grade 6A pilot shall complete a minimum of one year length of service in Grade 6A. The draft may not exceed 30 feet and the registered gross tonnage may not exceed 20,000.

2. Grade 6: A Grade 6 pilot shall complete a minimum of one year length of service in Grade 6. The draft may not exceed 33 feet and the registered gross tonnage may not exceed 25,000.

3. Grade 5A: A Grade 5A pilot shall complete a minimum of one year length of service in Grade 5A. The draft may not exceed 36 feet and the registered gross tonnage may not exceed 30,000.

4. Grade 5: A Grade 5 pilot shall complete a minimum of one year length of service in Grade 5. The draft may not exceed 39 feet and the registered gross tonnage may not exceed 40,000.

5. Grade 4: A Grade 4 pilot shall complete a minimum of one year length of service in Grade 4. The draft may not exceed 42 feet and the registered gross tonnage may not exceed 50,000.

6. Grade 3: A Grade 3 pilot shall complete a minimum of one year length of service in Grade 3. There are no draft limitations, but the registered gross tonnage may not exceed 50,000.

7. Grade 2: A Grade 2 pilot shall complete a minimum of one year length of service in Grade 2. There are no draft limitations, but the registered gross tonnage may not exceed 70,000.

8. Grade 1: There are no draft or tonnage limitations on the license.

Emergency amendment, R.2001 d.351, effective August 29, 2001 (to expire October 28, 2001).

See: 33 N.J.R. 3374(a).

In (a), inserted ", 5A to 5"; in (d), rewrote the first sentence of the introductory paragraph and amended the draft and gross tonnage limitations in 1 through 7; and added (e).

7:61-3.11 Reduction in grade of licenses or route suspension

(a) All licenses are subject to a reduction in grade or route suspension by the Board for any of the causes in N.J.A.C. 7:61-6.4(a).

(b) Upon receipt by the Board of information that grounds for a reduction in grade or route suspension exist, the pilot shall be notified of his or her right to request an adjudicatory hearing in accordance with N.J.A.C. 7:61-6.6.

7:61-3.12 Application for increase in grade of licenses

(a) A pilot wishing to increase the grade of a license for which approval is required by the Board shall give notice to the Board, through the Association, requesting a grade increase. This notice shall be submitted no earlier than 30 days prior to the eligibility date determined by using the minimum length of service requirements in N.J.A.C. 7:61-3.10(d).

(b) The pilot shall submit a memorandum, which shall include a signed certification attesting to the veracity of the memorandum, indicating:

1. A list of the names of the vessels piloted in existing grade;
2. The registered gross tonnage of the vessels piloted in the existing grade;
3. The drafts of the vessels piloted in the existing grade; and
4. The total number of vessels piloted in the existing grade.

(c) Prior to a pilot being advanced to a grade for which approval is required by the Board, the Association shall post at least 60 days in advance of the scheduled advancement and continue to be posted, in a prominent location at the pilots' headquarters and aboard the station, a notice regarding the pilot. The notice, in a form prescribed by the Board, shall advise all Sandy Hook pilots of the name of the pilot seeking advancement and the manner in which any pilot may communicate objections to the Board. When posted the President of the Association or his or her designee shall provide the Board with a copy of the posted notice and shall state in writing that the notice has been posted as aforesaid.

(d) In the event that adverse information has come to the attention of the Executive Committee or the President of the Association, such information shall be sent to the Board in writing.

(e) The identity of the objector shall not be disclosed by the Board or the Association, except as may be required by legal process.

(f) A pilot requesting an increase in grade shall appear in person before the Commissioners at a regular meeting of the Board. The Board shall consider the request for an increase and such other information which, in its discretion, it deems relevant to either deny or approve the application. Unless the Board specifies otherwise, the Board's decision regarding a request for an increase constitutes final agency action.

SUBCHAPTER 4. PILOT BOATS AND STATIONS

7:61-4.1 Scope

This subchapter sets forth certain requirements regarding the operation of pilot vessels and pilot stations.