

CHAPTER 61

RULES OF THE BOARD OF COMMISSIONERS OF PILOTAGE

Authority

N.J.S.A. 12:8-1 et seq.

Source and Effective Date

R.1999 d.129, effective April 19, 1999.
See: 31 N.J.R. 6(b), 31 N.J.R. 1084(b).

Executive Order No. 66(1978) Expiration Date

Chapter 61, Rules of the Board of Commissioners of Pilotage, expires on April 19, 2004.

Chapter Historical Note

Chapter 61, Rules of the Board of Commissioners of Pilotage, was adopted as R.1993 d.212, effective May 17, 1993. See: 25 N.J.R. 625(a), 25 N.J.R. 2123(a).

Pursuant to Executive Order No. 66(1978), Chapter 61, Rules of the Board of Commissioners of Pilotage, was readopted as R.1998 d.244, effective April 22, 1998. See: 30 N.J.R. 764(a), 30 N.J.R. 1810(a).

Chapter 61, Rules of the Board of Commissioners of Pilotage, was repealed and Chapter 61, Rules of the Board of Commissioners of Pilotage, was adopted as new rules by R.1999 d.129, effective April 19, 1999. See: Source and Effective Date.

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SUBCHAPTER 1. GENERAL PROVISIONS

7:61-1.1 Purpose and scope

(a) It is the purpose of this chapter to provide for the better government of pilots and pilot operations by the Board of New Jersey Commissioners of Pilotage and to require that pilots and apprentices are qualified through high levels of training and experience. This will reduce the risk of accidents and marine disasters.

(b) This chapter shall apply to all foreign vessels and all United States vessels sailing under register.

(c) This chapter applies to all licensed pilots and registered apprentices regardless of their classification or grade. The President of the Pilots' Association shall provide a copy of this chapter to every licensed pilot and apprentice and receipt of this chapter shall be documented.

(d) The powers, duties, and functions vested in the Board by statute or the provisions of this chapter shall not be construed to limit the powers, duties, and functions vested therein under any provision of law or regulation except as specifically set forth in this chapter.

7:61-1.2 Construction, severability, and waiver

(a) This chapter shall be liberally construed to permit the Board to discharge its statutory and regulatory obligations.

(b) If any subchapter, section, subsection, or any portion of this chapter, or the application thereof to any person, is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall be confined in its operation and the remainder of these rules shall not be affected thereby.

(c) The Board may grant a waiver of the provisions of this chapter when it determines that not granting a waiver would be detrimental to the public safety, the safety of a pilot, an apprentice, other person, or to any vessel or other property. The Board may grant a waiver through the issuance of an Order and the waiver shall be limited in scope and applicability to that particular circumstance.

7:61-1.3 Definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

“Act” means the statute governing pilotage at N.J.S.A. 12:8-1 et seq.

“Apprentice” means a person who is registered with the Board pursuant to N.J.S.A. 12:8-10 and this chapter.

“Bar of Sandy Hook” means the built-up area under the waters between the northern most point of Sandy Hook extending generally northeastward to the south shore of Long Island caused by a deposit of sediment. The location of the Bar is not static.

“Board” means the Board of New Jersey Commissioners of Pilotage established by N.J.S.A. 12:8-1 et seq.

“Board President” means the President of the Board of New Jersey Commissioners of Pilotage.

“Commissioners” means the Commissioners of Pilotage appointed by the Governor pursuant to N.J.S.A. 12:8-1 et seq.

“Deputy pilot” means a pilot of the third, fourth, fifth and sixth grade.

“Full branch pilot” means a pilot of the first grade.

“Limited branch pilot” means a pilot of the second grade.

“Occurrence” means 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.

“Order” means an order issued by the Board in accordance with N.J.A.C. 7:61-6.3.

“Physician” means either a person who is the holder of a M.D. degree and is licensed as a physician or is the holder of a D.O. degree and is licensed as an osteopath.

“Pilot” or “licensed pilot” means a person licensed by the Board to pilot regulated vessels pursuant to N.J.S.A. 12:8-1 et seq. and this chapter.

“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 Board of New Jersey Commissioners of Pilotage.

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

7:61-1.4 Board of Commissioners

(a) The Board shall annually elect the following officers from the Commissioners: Board President, Vice-President, Secretary, and Treasurer. The Board President shall chair all Board 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 Board meetings. The Treasurer shall be responsible for the preparation of the Board’s financial affairs and reports.

(b) The Board 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 Board may hold a meeting where notice has not been provided.