

CHAPTER 60
AERONAUTICAL INVESTIGATION
AND ENFORCEMENT

Authority

N.J.S.A. 27:1A-5, 27:1A-6, and 6:1-29.

Source and Effective Date

R.1997 d.206, effective April 24, 1997.
See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1c, Chapter 60, Aeronautical Investigation and Enforcement, expires on October 21, 2002. See: 34 N.J.R. 377(a).

Chapter Historical Note

Chapter 60, Issuance of Summons and Designation of Peace Officer, was filed and became effective prior to September 1, 1969.

Pursuant to Executive Order No. 66(1978), Chapter 60 was readopted as R.1988 d.314, effective June 14, 1988. See: 20 N.J.R. 968(a), 20 N.J.R. 1731(b).

Pursuant to Executive Order No. 66(1978), Chapter 60, Issuance of Summons and Designation of Peace Officer, was readopted as R.1993 d.279, effective May 13, 1993. See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b). As a part of R.1993 d.279, effective June 7, 1993, Chapter 60 was renamed Issuance of Summons and Designation of Law Enforcement Officer.

Pursuant to Executive Order No. 66(1978), Chapter 60, Issuance of Summons and Designation of Law Enforcement Officer, was readopted as R.1997 d.206, effective April 24, 1997. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. ENFORCEMENT

16:60-1.1 Scope

This chapter sets forth procedures for the issuance of summons and complaints and empowers specific additional

employees of the Division of Aeronautics with the authority to function as law enforcement officers in compliance with Title 6 of the New Jersey Statutes Annotated.

Amended by R.1993 d.279, effective June 7, 1993.

See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b).

Amended by R.1997 d.206, effective May 19, 1997.

See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).

16:60-1.2 Issuance of summons

Designated law enforcement officers of the Division of Aeronautics are hereby vested with the authority to issue a complaint and summons for non-compliance with N.J.S.A. Title 6 (Aviation) or non-compliance with any of the provisions contained in this chapter. All proceedings shall be brought before a Magistrate having jurisdiction in the municipality in which it is alleged that the violation occurred. Designated law enforcement officers shall file the complaint and issue a summons for any violation of N.J.S.A. Title 6 (Aviation). The form of complaint and summons used shall be as prescribed by the Administrative Director of the Courts pursuant to Rule 4:70-3 and Part VII, Rules Governing Practice in the Municipal Court.

Amended by R.1988 d.314, effective July 18, 1988.

See: 20 N.J.R. 968(a), 20 N.J.R. 1731(b).

Substituted "chapter" for "Subtitle".

Amended by R.1993 d.279, effective June 7, 1993.

See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b).

Amended by R.1997 d.206, effective May 19, 1997.

See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).

16:60-1.3 Designation action

(a) In addition to the personnel specifically designated as law enforcement officers by N.J.S.A. 6:1-29, the employees of the Division of Aeronautics assigned to the following positions are hereby designated as law enforcement officers:

1. Executive Director, Aeronautics and Freight Systems;
2. Deputy Director of Aeronautics;
3. Chief of Inspection and Aircraft Operations;
4. Supervisor Aeronautical Inspection Section;
5. Aeronautical Operations Specialist.

(b) Each member designated pursuant to (a) above shall comply with the procedures established by the Administrative Director of the Courts in the issuance of summons and complaints.

(c) The Deputy Director of Aeronautics is responsible for the accounting, control and distribution of the summons and complaint forms.

(d) No member designated pursuant to (a) above shall be authorized to carry or use weapons in the execution of assigned responsibilities. Assistance, as required, will be

obtained from appropriate State or local law enforcement officers.

Amended by R.1983 d.477, effective November 7, 1983.

See: 15 N.J.R. 1456(a), 15 N.J.R. 1870(c).

Amended by R.1988 d.314, effective July 18, 1988.

See: 20 N.J.R. 968(a), 20 N.J.R. 1731(b).

Amended by R.1993 d.279, effective June 7, 1993.

See: 25 N.J.R. 1484(a), 25 N.J.R. 2505(b).

Amended by R.1997 d.206, effective May 19, 1997.

See: 29 N.J.R. 742(a), 29 N.J.R. 2466(c).

Inserted new (a)1 and recodified existing (a)1 through 4 as (a)2 through 5.

Amended by R.1998 d.221, effective May 4, 1998.

See: 30 N.J.R. 595(a), 30 N.J.R. 1629(b).

In (a)2 and (c), inserted "Deputy" preceding "Director".

SUBCHAPTER 2. INVESTIGATION OF AIRCRAFT ACCIDENTS AND INCIDENTS

Authority

N.J.S.A. 27:1A-5, 27:1A-6, 6:1-29 and 6:1-44.

Source and Effective Date

R.1998 d.221, effective May 4, 1998.

See: 30 N.J.R. 595(a), 30 N.J.R. 1629(b).

16:60-2.1 Definitions

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

"Aircraft accident" means an occurrence associated with the operation of an aircraft which takes place between the time any person boards the aircraft with the intention of flight and all such persons have disembarked, and in which any person suffers death or serious injury, or in which the aircraft receives substantial damage.

"Fatal injury" means an injury which results in death within 30 days.

"Incident" means an occurrence other than an accident, associated with the operation of an aircraft, which affects or could affect the safety of operations. All forced landings in New Jersey are considered incidents for the purposes of this chapter.

"Operator" means any person who causes or authorizes the operation of an aircraft, such as the owner, lessee, or bailee of an aircraft.

"Serious injury" means any injury which:

1. Requires hospitalization for more than 48 hours, commencing within seven days from the date the injury was received;
2. Results in a fracture of any bone (except simple fractures of fingers, toes, or nose);
3. Causes severe hemorrhages, nerve, muscle, or tendon damage;
4. Involves any internal organ; or
5. Involves second or third degree burns, or any burns affecting more than five percent of the body surface.

"Substantial damage" means damage or failure which adversely affects the structural strength, performance, or flight characteristics of the aircraft, and which would normally require major repair or replacement of the affected component. Engine failure or damage limited to an engine if only one engine fails or is damaged, bent failings or cowlings, dented skin, small punctured holes in the skin or fabric, ground damage to rotor or propeller blades, and damage to landing gear, wheels, tires, flaps, engine accessories, brakes, or wingtips are not considered "substantial damage" for the purpose of this subchapter.

16:60-2.2 Aircraft accident reporting requirements

(a) The operator of an aircraft or anyone observing an aircraft accident or with knowledge that an aircraft accident has just occurred, shall immediately notify the New Jersey Division of Aeronautics through the New Jersey State Police by calling (609) 882-2000.

(b) The accident notification shall contain the following information if known:

1. The type, nationality, and registration marks of the aircraft;
2. The name of the owner, and the operator of the aircraft;
3. The name of the pilot in command;
4. The date and time of the accident;
5. The last point of departure and point of intended landing of the aircraft;
6. The position of the aircraft with reference to some easily defined geographical point;
7. The number of persons aboard, number killed, and number seriously injured;
8. The nature of the accident, weather and aircraft damage, so far as is known; and
9. A description of any explosives, radioactive materials, or other dangerous articles carried.