

CHAPTER 64

RULES OF THE NEW JERSEY MARITIME PILOT AND DOCKING PILOT COMMISSION

Authority

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

Source and Effective Date

R.2009 d.364, effective November 10, 2009. See: 41 N.J.R. 2884(a), 41 N.J.R. 4455(a).

Chapter Expiration Date

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 64, Rules of the New Jersey Maritime Pilot and Docking Pilot Commission, expires on November 10, 2016. See: 43 N.J.R. 1203(a).

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Chapter 61, Rules of the Board of Commissioners of Pilotage, was repealed and Chapter 61, Rules of the Board of Commissioners of Pilotage, was adopted as new rules by R.1999 d.129, effective April 19, 1999.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: 31 N.J.R. 6(b), 31 N.J.R. 1084(b).

Chapter 61, Rules of the Board of Commissioners of Pilotage, was readopted as R.2004 d.361, effective August 26, 2004. See: 36 N.J.R. 2401(a), 36 N.J.R. 4305(a).

Pursuant to P.L.2004, c.72, Chapter 61 of Title 7, Rules of the Board of Commissioners of Pilotage, was recodified as N.J.A.C. 16:64, effective September 17, 2004. See: 36 N.J.R. 4835(a).

Chapter 64, Rules of the Board of Commissioners of Pilotage, was renamed Chapter 64, Rules of the New Jersey Maritime Pilot and Docking Pilot Commission; and Subchapter 8, Docking Pilots, was adopted as new rules by R.2005 d.307, effective September 6, 2005. See: 37 N.J.R. 1685(a), 37 N.J.R. 3446(b).

Subchapter 2, Pilot Apprenticeship, was renamed Maritime Pilot Apprenticeship, and Subchapter 9, Docking Pilot Apprenticeship Program, was adopted as new rules by R.2006 d.295, effective August 21, 2006. See: 38 N.J.R. 1402(a), 38 N.J.R. 3311(a).

Chapter 64, Rules of the New Jersey Maritime Pilot and Docking Pilot Commission, was readopted as R.2009 d.364, effective November 10, 2009. As a part of R.2009 d.364, Subchapter 3, Pilot Licensing, was renamed Maritime Pilot Licensing; and Subchapter 7, Drug Free Workshop Program, was renamed Drug-Free Workshop Program, effective December 7, 2009. See: Source and Effective Date. See, also, section annotations.

Subchapter 6, Penalties, Orders, and Hearings was renamed Penalties, Orders and Hearings by R.2011 d.050, effective February 7, 2011. See: 42 N.J.R. 2012(a), 43 N.J.R. 315(b).

Subchapter 4, Pilot Boats and Stations, was renamed Maritime Pilot Boats and Stations; former Subchapter 5, Duties of Pilotage, was recodified as Subchapter 8; former Subchapter 6, Penalties, Orders and Hearings, was recodified as Subchapter 10 and renamed Penalties, Orders, and Hearings; Subchapter 7, General License Requirements, was adopted as new rules; former Subchapter 7, Drug-Free Workshop Program, was recodified as Subchapter 9 and renamed Workplace Drug and Alcohol Testing Programs and Drug-Free Workshop Program; former Subchapter 8, Docking Pilots, was recodified as Subchapter 6;

and former Subchapter 9, Docking Pilot Apprenticeship Program, was recodified as Subchapter 5 by R.2014 d.116, effective July 21, 2014. See: 46 N.J.R. 481(a), 46 N.J.R. 1703(a).

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SUBCHAPTER 1. GENERAL PROVISIONS

16:64-1.1 Purpose and scope

(a) It is the purpose of this chapter to provide for the better governance of pilots and pilot operations by the New Jersey Maritime Pilot and Docking Pilot Commission 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. Every licensed pilot and apprentice shall be responsible to know the contents of and comply with this chapter.

(d) The powers, duties, and functions vested in the Commission 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.

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

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

Rewrote (a); in (d), substituted "Commission" for "Board" following "vested in the".

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

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

In (c), substituted "Every" for "The President of the Pilots' Association shall provide a copy of this chapter to every" and "shall be responsible to know the contents of and comply with this chapter" for "and receipt of this chapter shall be documented".

16:64-1.2 Construction, severability and waiver

(a) This chapter shall be liberally construed to permit the Commission 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, the remainder of these rules shall not be affected thereby.

(c) The Commission 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 Commission may grant a waiver through the issuance of an Order and the waiver shall be limited in scope and applicability to that particular circumstance.

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

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

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

Section was, "Construction, severability, and waiver". In (b), deleted a comma following "subsection" and deleted "such judgment shall be confined in its operation and" following "jurisdiction,".

16:64-1.3 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 listed as a qualified apprentice with the Commission pursuant to section 34 of P.L. 2004. c. 72 (N.J.S.A. 12:8-50) or who is on the Commission's books as an apprentice pursuant to N.J.S.A. 12:8-10, 12:8-11, or 12:8-12.

"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.

"Commission" means the New Jersey Maritime Pilot and Docking Pilot Commission established by N.J.S.A. 12:8-1 et seq.