

CHAPTER 55

LICENSING OF AERONAUTICAL ACTIVITIES

Authority

N.J.S.A. 6:1-29, 6:1-43, 6:1-44, 27:1A-5, and 27:1A-6.

Source and Effective Date

R.2016 d.092, effective July 12, 2016.
See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).

Chapter Expiration Date

Chapter 55, Licensing of Aeronautical Activities, expires on July 12, 2023.

Chapter Historical Note

Chapter 55, Licensing of Aeronautical Activities, was filed and become effective prior to September 1, 1969.

Chapter 55, Licensing of Aeronautical Activities, was adopted as R.1977 d.52, effective February 23, 1977. See: 8 N.J.R. 576(a), 9 N.J.R. 141(a).

Pursuant to Executive Order No. 66(1978), Chapter 55, Licensing of Aeronautical Activities, was readopted as R.1988 d.315, effective June 14, 1988. See: 20 N.J.R. 967(a), 20 N.J.R. 1731(a).

Pursuant to Executive Order No. 66(1978), Chapter 55, Licensing of Aeronautical Activities, was readopted as R.1993 d.278, effective May 13, 1993. See: 25 N.J.R. 1483(a), 25 N.J.R. 2505(a).

Pursuant to Executive Order No. 66(1978), Chapter 55, Licensing of Aeronautical Activities, was readopted as R.1998 d.220, effective April 9, 1998. See: 30 N.J.R. 594(a), 30 N.J.R. 1629(a).

Chapter 55, Licensing of Aeronautical Activities, was readopted as R.2003 d.424, effective October 2, 2003. See: 35 N.J.R. 1988(a), 35 N.J.R. 5141(a).

Chapter 55, Licensing of Aeronautical Activities, was readopted as R.2009 d.56, effective January 16, 2009. See: 40 N.J.R. 6414(a), 41 N.J.R. 890(b).

In accordance with N.J.S.A. 52:14B-5.1b, Chapter 55, Licensing of Aeronautical Activities, was scheduled to expire on January 16, 2016. See: 43 N.J.R. 1203(a).

Chapter 55, Licensing of Aeronautical Activities, was readopted as R.2016 d.092, effective July 12, 2016. As a part of R.2016 d.092, Subchapter 2, Definitions, Subchapter 3, Licensing, Subchapter 4, Waivers, Subchapter 5, Violations, and Subchapter 6, Informal Hearings and Contested Cases, were adopted as new rules, effective August 15, 2016. See: Source and Effective Date. See, also, section annotations.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:55-1.1 Purpose

Purpose. This chapter lists aeronautical activities required to be licensed in the State of New Jersey; outlines the procedures for obtaining license(s); specifies the requirements that licensees must observe; specifies the liability for failure to observe the requirements; and describes the procedure for requesting exemption.

Amended by R.1983 d.476, effective November 7, 1983. See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).

Amended by R.2009 d.56, effective February 17, 2009. See: 40 N.J.R. 6414(a), 41 N.J.R. 890(b).

Section was "Scope".

Amended by R.2016 d.092, effective August 15, 2016. See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).

Section was "Purpose, scope and applicability". Rewrote (a) as an undesignated paragraph; and recodified (b) as N.J.A.C. 16:55-1.2.

16:55-1.2 Scope

No person offering or rendering aeronautical services, or acting as a fixed base operator as defined in Title 6 of the New Jersey Statutes, whether or not they are required to be licensed under this chapter, is exempted from the requirement to comply with the legitimate rules, regulations, contractual requirements, or other terms of use or access applicable to any licensed aeronautical facility.

Recodified in part from N.J.A.C. 16:55-1.1 and amended by R.2016 d.092, effective August 15, 2016.

See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).

Deleted designation (b); and substituted "fixed base operator" for "Fixed Base Operator". Former N.J.A.C. 16:55-1.2, Applicability, recodified to N.J.A.C. 16:55-1.3.

16:55-1.3 Applicability

(a) The licensing provisions of this chapter apply to the following aeronautical activities:

1. Aerial advertising;
2. Aerial application;
3. Sport parachute center.

Amended by R.1983 d.476, effective November 7, 1983.
 See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).
 Recodified from N.J.A.C. 16:55-1.2 by R.2016 d.092, effective August 15, 2016.
 See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).
 Former N.J.A.C. 16:55-1.3, Definitions, recodified to N.J.A.C. 16:55-2.1.

16:55-1.4 (Reserved)

Recodified to N.J.A.C. 16:55-3.1 by R.2016 d.092, effective August 15, 2016.
 See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).
 Section was "General requirements for aeronautical licensing".

16:55-1.5 (Reserved)

Recodified to N.J.A.C. 16:55-3.2 by R.2016 d.092, effective August 15, 2016.
 See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).
 Section was "Specific requirements for licensing".

16:55-1.6 (Reserved)

Amended by R.1988 d.315, effective July 18, 1988.
 See: 20 N.J.R. 967(a), 20 N.J.R. 1731(a).
 Added (b).
 Repealed by R.2016 d.092, effective August 15, 2016.
 See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).
 Section was "Liability".

16:55-1.7 (Reserved)

Recodified to N.J.A.C. 16:55-4.1 by R.2016 d.092, effective August 15, 2016.
 See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).
 Section was "Petitions for exemptions".

SUBCHAPTER 2. DEFINITIONS

16:55-2.1 Definitions

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

"Aeronautical activity" means any of the following services in which any person engages in giving, offering to give, advertising, representing or holding himself out as giving to the public with or without compensation or other reward (unless otherwise indicated):

1. "Aerial advertising": Airborne display of any type of advertising (banner, electric lights, smoke);
2. "Aerial application": Application by aircraft of liquid or solid sprays for the purpose of insect, plant, animal or fungus control, fertilization or seeding;
3. "Sport parachute center": An operation organized by an individual, club or business entity to foster, control, supervise and regulate sport parachuting of person(s) sponsored or trained by said individual, club or business entity.

"Bureau" means the Bureau of Aeronautics in the New Jersey Department of Transportation.

"Commissioner" means the Commissioner of the New Jersey Department of Transportation or such person as the Commissioner may designate, when legally permissible.

"Director" means the Director of the Division of Multi-modal Services.

"Drop zone" means an area of defined dimensions, on the earth's surface, designated for the landing of sport parachutists.

"FAA" means the Federal Aviation Administration.

"Sport parachuting" means the act of descending from an aircraft to the earth's surface by means of a parachute, or similar device, except when such descent is made under emergency conditions for the purpose of saving life.

"Sport parachutist" means anyone engaging in or about to engage in sport parachuting.

"USPA" means United State Parachute Association. Information, manuals, and circulars can be found at www.uspa.org.

Amended by R.1983 d.476, effective November 7, 1983.
 See: 15 N.J.R. 1453(a), 15 N.J.R. 1870(b).
 Amended by R.2003 d.242, effective November 3, 2003.
 See: 35 N.J.R. 1988(a), 35 N.J.R. 5141(a).
 Added "Division", "Drop zone", "Sport parachuting", and "Sport parachutist".
 Recodified from N.J.A.C. 16:55-1.3 and amended by R.2016 d.092, effective August 15, 2016.
 See: 48 N.J.R. 405(a), 48 N.J.R. 1697(a).
 Substituted definition "Bureau" for definition "Division"; and in that definition, substituted "Bureau" for "Division"; and added definitions "Commissioner", "Director", "FAA", and "USPA".

SUBCHAPTER 3. LICENSING

16:55-3.1 General requirements

(a) All persons engaged in one or more aeronautical activities listed in this chapter shall:

1. Submit an application for an Aeronautical Activity License, Form DA-1042 or a Special Landing Strip License, Form DA-24 to the Bureau of Aeronautics. Applications can be obtained by phone at (609) 530-2900, by mail at New Jersey Department of Transportation, Bureau of Aeronautics, PO Box 600, Trenton, NJ 08625, or on the Department's website at: www.nj.gov/transportation/air-water/aviation;
2. Maintain a principal business office, in New Jersey, with a mailing address in the name to be shown on the license at which adequate and suitable facilities and equipment are available to properly maintain required files and effectively operate the business;
3. Be prepared to provide relevant data and information as requested by the Bureau of Aeronautics at a public