

**CHAPTER 61
AIRCRAFT ACCIDENTS**

Authority

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

Source and Effective Date

R.1993 d.280, effective May 13, 1993.
See: 25 N.J.R. 1485(a), 25 N.J.R. 2505(c).

Executive Order No. 66(1978) Expiration Date

Chapter 61, Aircraft Accidents, expires on May 13, 1998.

Chapter Historical Note

Chapter 61, Aircraft Accidents, was filed and became effective prior to September 1, 1969. Pursuant to Executive Order No. 66(1978), Chapter 61 was readopted as R.1988 d.313, effective June 14, 1988. See: 20 N.J.R. 968(b), 20 N.J.R. 1731(c). Pursuant to Executive Order No. 66(1978), Chapter 61 was readopted as R.1993 d.280. See: Source and Effective Date. See, also, section annotations for specific rulemaking activity.

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SUBCHAPTER 1. GENERAL PROVISIONS

16:61-1.1 Definitions

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

“Fatal injury” means an injury which results in death within seven days.

“Serious injury” means an injury which requires hospitalization for more than 48 hours; bone fractures of a major structure; or third degree burns of five per cent of the body surface.

As amended, R.1983 d.477, effective November 7, 1983.
See: 15 N.J.R. 1456(a), 15 N.J.R. 1870(c).

SUBCHAPTER 2. REQUIREMENTS AFTER ACCIDENT

16:61-2.1 Reporting aircraft accidents

(a) During duty hours (9:00 A.M. to 4:30 P.M.) notify the New Jersey Division of Aeronautics by calling 609-530-2900.

(b) After duty hours notify the New Jersey Division of Aeronautics through the New Jersey State Police by calling 609-882-2000.

(c) The accident notification should contain the following:

1. Location;
2. Date;
3. Time;
4. Aircraft make, model, and N-number;
5. Number of occupants;
6. Injuries;
7. Brief description of occurrence.

(d) New Jersey Department of Transportation Form DA-23, “Aircraft Accident Report” is to be completed for any occurrence involving the operation of an aircraft on the ground or in the air which includes the following:

1. Fatal or serious injury;
2. Emergency landings and aircraft accidents of any kind regardless of the amount, or absence, of damage to aircraft or that occur off of the property of a licensed aeronautical facility; or
3. Any accident where a law enforcement official determines that the report is necessary.

As amended, 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.313, effective July 18, 1988.
See: 20 N.J.R. 968(b), 20 N.J.R. 1731(c).

Phone number change; deleted text in (d) “When determined necessary by a law enforcement official.”

16:61-2.2 Notification of next of kin

Names of pilots or passengers who are seriously or fatally injured shall not be released until after positive notification of next of kin has been accomplished.

As amended, 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.313, effective July 18, 1988.
See: 20 N.J.R. 968(b), 20 N.J.R. 1731(c).

16:61-2.3 Preservation of aircraft wreckage, mail, cargo, and records

(a) The operator of an aircraft, or if the operator is incapable, the first law enforcement agent on the scene is responsible for preserving, to the greatest extent possible, any aircraft wreckage, cargo and mail aboard the aircraft, and all records pertaining to the operation and maintenance of the aircraft and to persons involved in an accident.

(b) Wreckage should be disturbed only to the extent necessary:

1. To remove the person injured or trapped;
2. To protect the wreckage from further damage; and
3. To protect the public from injury.

(c) Where it is necessary to disturb or move aircraft wreckage, mail, or cargo, sketches, descriptive notes, and photographs should be made, if possible, of the accident scene, including original position and condition of wreckage.

(d) The aircraft wreckage will be released for the period of the investigation, to the first official that appears on the scene from the New Jersey Division of Aeronautics, Federal Aviation Administration or the National Transportation Safety Board, Bureau of Aviation Safety. In the event officials from both State and Federal Aeronautics are present, the Federal representative will take precedence.

Amended by R.1988 d.313, effective July 18, 1988.
See: 20 N.J.R. 968(b), 20 N.J.R. 1731(c).

16:61-2.4 Statement of witness

When determined necessary by a law enforcement official, New Jersey Department of Transportation Form DA-25, "Statement of Witness" shall be completed by any person or persons who observed the actual aircraft accident or any events prior to or immediately following said accident.

As amended, R.1983 d.477, effective November 7, 1983.
See: 15 N.J.R. 1456(a), 15 N.J.R. 1870(c).

16:61-2.5 Forced landings

In the event of a forced landing on other than a licensed air facility, for example, a highway, farm or field, a subsequent take-off is not permitted without the express authorization of the Division of Aeronautics and will be granted only after a representative of the Division has adjudged the site to be safe for the type of aircraft and pilot experience involved. This permission cannot be granted by Federal or local officials. This Section is nonwaivable regardless of the fact that no aircraft damage was incurred or that the malfunction or mishap that caused the forced landing has been corrected.