

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.2004 d.361, effective August 26, 2004.
See: 36 N.J.R. 2401(a), 36 N.J.R. 4305(a).

Chapter Expiration Date

Chapter 64, Rules of the New Jersey Maritime Pilot and Docking Pilot Commission, expires on August 26, 2009.

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Chapter 61, Rules of the Board of Commissioners of Pilotage, was repealed and Chapter 61, Rules of the Board of Commissioners of Pilotage, was adopted as new rules by R.1999 d.129, effective April 19, 1999.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

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 TABLE OF CONTENTS

SUBCHAPTER 1. GENERAL PROVISIONS

- 16:64-1.1 Purpose and scope
- 16:64-1.2 Construction, severability, and waiver
- 16:64-1.3 Definitions
- 16:64-1.4 New Jersey Maritime Pilot and Docking Pilot Commission
- 16:64-1.5 Requirement to take a licensed pilot
- 16:64-1.6 Fees for pilotage
- 16:64-1.7 Failure to take a pilot; penalty
- 16:64-1.8 Incorporation by reference

SUBCHAPTER 2. MARITIME PILOT APPRENTICESHIP

- 16:64-2.1 Scope
- 16:64-2.2 Number of apprentices
- 16:64-2.3 Qualifications
- 16:64-2.4 The apprenticeship program
- 16:64-2.5 Dismissal or suspension of apprentices
- 16:64-2.6 Examination of apprentices

SUBCHAPTER 3. PILOT LICENSING

- 16:64-3.1 Scope
- 16:64-3.2 Notice of candidates
- 16:64-3.3 Written examination
- 16:64-3.4 Issuance of initial license as a deputy pilot
- 16:64-3.5 Route extension
- 16:64-3.6 Medical examination
- 16:64-3.7 Oath
- 16:64-3.8 Retirement and age-related requirements
- 16:64-3.9 General license requirements
- 16:64-3.10 Grades of licenses and grade advancement
- 16:64-3.11 Reduction in grade of licenses or route suspension
- 16:64-3.12 Application for increase in grade of licenses

SUBCHAPTER 4. PILOT BOATS AND STATIONS

- 16:64-4.1 Scope
- 16:64-4.2 Stationing of pilots
- 16:64-4.3 Log books

SUBCHAPTER 5. DUTIES OF PILOTAGE

- 16:64-5.1 Scope
- 16:64-5.2 Piloting duties
- 16:64-5.3 Master-pilot conference and unsafe passages
- 16:64-5.4 Illness
- 16:64-5.5 Route currency
- 16:64-5.6 Occurrences
- 16:64-5.7 Recurrent training

SUBCHAPTER 6. PENALTIES, ORDERS, AND HEARINGS

- 16:64-6.1 Scope
- 16:64-6.2 Investigations and penalties
- 16:64-6.3 Orders of the Commission
- 16:64-6.4 Suspension, limitation, or revocation of a license
- 16:64-6.5 Show cause hearing
- 16:64-6.6 Adjudicatory hearings

SUBCHAPTER 7. DRUG FREE WORKSHOP PROGRAM

- 16:64-7.1 Scope
- 16:64-7.2 Definitions
- 16:64-7.3 Prohibitions
- 16:64-7.4 Use of prescribed dangerous drugs
- 16:64-7.5 Implied consent: cooperation with collection, testing, and record review
- 16:64-7.6 Pre-registration testing
- 16:64-7.7 Random testing
- 16:64-7.8 Reasonable belief testing
- 16:64-7.9 Post-occurrence testing
- 16:64-7.10 Drug testing procedures
- 16:64-7.11 Alcohol testing procedures
- 16:64-7.12 Verification by the Medical Review Officer
- 16:64-7.13 Protection of records
- 16:64-7.14 Notice of criminal or Coast Guard charges and convictions
- 16:64-7.15 Penalties
- 16:64-7.16 Responsibilities of the Association

SUBCHAPTER 8. DOCKING PILOTS

- 16:64-8.1 Licensing and oaths of docking pilots
- 16:64-8.2 General docking pilot license requirements
- 16:64-8.3 Master/docking pilot conference and unsafe passage
- 16:64-8.4 Illness
- 16:64-8.5 Route currency
- 16:64-8.6 Occurrences
- 16:64-8.7 Investigations and penalties
- 16:64-8.8 Orders of the Commission
- 16:64-8.9 Suspension, limitation, or revocation of a license
- 16:64-8.10 Show cause hearing

- 16:64-8.11 Adjudicatory hearings
- 16:64-8.12 Rules of the Road
- 16:64-8.13 Drug Free Work Place
- 16:64-8.14 Apprenticeship Program (Reserved)

SUBCHAPTER 9. DOCKING PILOT APPRENTICESHIP PROGRAM

- 16:64-9.1 Scope
- 16:64-9.2 List of apprentices
- 16:64-9.3 Qualifications
- 16:64-9.4 Docking pilot apprenticeship program
- 16:64-9.5 Dismissal or suspension of docking pilot apprentices
- 16:64-9.6 Issuance of docking pilot licenses to apprentices
- 16:64-9.7 Alternative apprenticeship program
- 16:64-9.8 Current apprentices

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. 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 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".

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, such judgment shall be confined in its operation and 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.

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 registered with the Commission 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.

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

"Commission President" means the President of the New Jersey Maritime Pilot and Docking Pilot Commission.

"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.

"Docking pilot" means a person licensed by the Commission and entered in the Register maintained pursuant to N.J.S.A. 12:8-52.

"Full branch pilot" means a pilot of the first grade.

"Independent Pilot Association" means any association of pilots or docking pilots, other than the United New York and New Jersey Sandy Hook Pilots' Benevolent Associations, whose members are qualified to pilot vessels in pilotage waters.

"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 Commission in accordance with N.J.A.C. 16:64-6.3.