§ 534-b. Definitions. As used in this article, the following terms shall have the following meanings:

1. "Act" shall mean this article and rules or regulations lawfully promulgated thereunder and shall include any amendments or supplements to this article to implement the purposes thereof.

2. "Bi-state commission" shall mean the Waterfront Commission of New York Harbor established by the state of New York pursuant to P.L. 1953, c.882 (NY Unconsol. Ch.307, s.1) and by the state of New Jersey pursuant to its agreement thereto under P.L.1953, c.202 (C.32:23-1 et seq.).

3. "Carrier of freight by water" shall mean any person who may be engaged or who may hold oneself out as willing to be engaged, whether as a common carrier, as a contract carrier or otherwise (except for carriage of liquid cargoes in bulk in tank vessels designed for use exclusively in such service or carriage by barge of bulk cargoes consisting of only a single commodity loaded or carried without wrappers or containers and delivered by the carrier without transportation mark or count) in the carriage of freight by water between any point in the port of New York district and a point outside said district.

4. "Container" shall mean any receptacle, box, carton or crate which is specifically designed and constructed so that it may be repeatedly used for the carriage of freight by a carrier of freight by water.

5. "Checker" shall mean a longshore worker who is employed to engage in direct and immediate checking of waterborne freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores.

6. "Commission" shall mean the New York waterfront commission established by section five hundred thirty-four-c of this article.

7. "Career offender" shall mean a person whose behavior is pursued in an occupational manner or context for the purpose of economic gain

utilizing such methods as are deemed criminal violations against the public policy of the state of New York.

8. "Career offender cartel" shall mean a number of career offenders acting in concert, and may include what is commonly referred to as an organized crime group.

9. "Court of the United States" shall mean all courts enumerated in section four hundred fifty-one of title twenty-eight of the United States Code and the courts-martial of the armed forces of the United States.

10. "Freight" shall mean freight which has been, or will be, carried by or consigned for carriage by a carrier of freight by water.

11. "Hiring agent" shall mean any natural person, who on behalf of a carrier of freight by water or a stevedore or any other person shall select any longshore worker for employment.

12. "Longshore worker" shall mean: (a) a natural person, other than a hiring agent, who is employed for work at a pier or other waterfront terminal, either by a carrier of freight by water or by a stevedore to:

(1) physically move waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals; or

(2) engage in direct and immediate checking of any such freight or of the custodial accounting therefor or in the recording or tabulation of the hours worked at piers or other waterfront terminals by natural persons employed by carriers of freight by water or stevedores; or

(3) supervise directly and immediately others who are employed as in subparagraph one of this paragraph; or

(4) physically perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, including, but not limited to, cargo repair personnel, coopers, general maintenance personnel, mechanical and miscellaneous workers, horse and cattle fitters, grain ceilers and marine carpenters; or

(b) a natural person, other than a hiring agent, who is employed for

work at a pier or other waterfront terminal by any person to:

(1) physically move waterborne freight to or from a barge, lighter or railroad car for transfer to or from a vessel of a carrier of freight by water which is, shall be, or shall have been berthed at the same pier or other waterfront terminal; or

(2) perform labor or services involving, or incidental to, the movement of freight at a waterfront terminal as defined in subdivision fifteen of this section.

13. "Longshore workers' register" shall mean the register of eligible longshore workers compiled and maintained by the commission pursuant to section five hundred thirty-four-i of this article.

14. "Marine terminal" shall mean an area which includes piers, which is used primarily for the moving, warehousing, distributing or packing of waterborne freight or freight to or from such piers, and which, inclusive of such piers, is under common ownership or control.

15. "Other waterfront terminal" shall include:

(a) any warehouse, depot or other terminal (other than a pier) which is located within one thousand yards of any pier in the port of New York district in this state and which is used for waterborne freight in whole or substantial part; or

(b) any warehouse, depot or other terminal (other than a pier), whether enclosed or open, which is located in a marine terminal in the port of New York district in this state and any part of which is used by any person to perform labor or services involving, or incidental to, the movement of waterborne freight or freight.

16. "Person" shall mean not only a natural person but also any partnership, joint venture, association, corporation or any other legal entity but shall not include the United States, any state or territory thereof or any department, division, board, commission or authority of one or more of the foregoing.

17. "Pier" shall include any wharf, pier, dock or quay.

18. "Pier superintendent" shall mean any natural person other than a longshore worker who is employed for work at a pier or other waterfront terminal by a carrier of freight by water or a stevedore and whose work at such pier or other waterfront terminal includes the supervision, directly or indirectly, of the work of longshore workers.

19. "Port of New York district" shall mean the district created by article II of the compact dated April thirtieth, nineteen hundred twenty-one, between the states of New York and New Jersey, authorized by chapter one hundred fifty-four of the laws of New York of nineteen hundred twenty-one and chapter one hundred fifty-one of the laws of New Jersey of nineteen hundred twenty-one.

20. "Security officer" shall include any security officer, gate person, rounds person, detective, guard, guardian or protector of property employed by the operator of any pier or other waterfront terminal or by a carrier of freight by water to perform services in such capacity on any pier or other waterfront terminal.

21. The term "select any longshore worker for employment" in the definition of a hiring agent in this section shall include selection of a person for the commencement or continuation of employment as a longshore worker, or the denial or termination of employment as a longshore worker.

22. "Stevedore" shall mean:

(a) a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with a carrier of freight by water, in moving waterborne freight carried or consigned for carriage by such carrier on vessels of such carrier berthed at piers, on piers at which such vessels are berthed or at other waterfront terminals; or

(b) a contractor engaged for compensation pursuant to a contract or arrangement with the United States, any state or territory thereof, or any department, division, board, commission or authority of one or more of the foregoing, in moving freight carried or consigned for carriage between any point in the port of New York district and a point outside said district on vessels of such a public agency berthed at piers, on

piers at which such vessels are berthed or at other waterfront terminals; or

(c) a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with any person to perform labor or services incidental to the movement of waterborne freight on vessels berthed at piers, on piers or at other waterfront terminals, including, but not limited to, cargo storage, cargo repairing, coopering, general maintenance, mechanical and miscellaneous work, horse and cattle fitting, grain ceiling, and marine carpentry; or

(d) a contractor (not including an employee) engaged for compensation pursuant to a contract or arrangement with any other person to perform labor or services involving, or incidental to, the movement of freight into or out of containers (which have been or which will be carried by a carrier of freight by water) on vessels berthed at piers, on piers or at other waterfront terminals.

23. "Terrorist group" shall mean a group associated, affiliated or funded in whole or in part by a terrorist organization designated by the secretary of state in accordance with section two hundred nineteen of the immigration and nationality act, as amended from time to time, or any other organization which assists, funds or engages in acts of terrorism as defined in the laws of the United States, or of the state of New York, including, but not limited to, subdivision one of section 490.05 of the penal law.

24. "Waterborne freight" shall mean freight carried by or consigned for carriage by carriers of freight by water, and shall also include freight described in subdivision fifteen and paragraphs (b) and (d) of subdivision twenty-two of this section, and ships' stores, baggage and mail carried by or consigned for carriage by carriers of freight by water.

25. "Witness" shall mean any person whose testimony is desired in any investigation, interview or other proceeding conducted by the commission pursuant to the provisions of section five hundred thirty-four of this article.