

“(1) has read the agreement;
 “(2) is acquainted with and understands its conditions; and
 “(3) has signed it freely and voluntarily when sober.”

§ 10306. Exhibiting merchant mariners’ documents

Before signing the agreement required by section 10302 of this title, each individual required by section 8701 of this title to have a merchant mariner’s document shall exhibit to the master or individual in charge a document issued to the individual, appropriately endorsed for the capacity in which the individual is to serve.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, §404, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10306	46:643(c)

Section 10306 requires a seaman to exhibit an appropriately endorsed merchant mariner’s document to the shipping commissioner before signing a shipping agreement. When a master acts as a shipping commissioner, the same procedure applies.

AMENDMENTS

1993—Pub. L. 103–206 substituted “master or individual in charge” for “shipping commissioner”.

§ 10307. Posting agreements

At the beginning of a voyage, the master shall have a legible copy of the agreement required by section 10302 of this title, omitting signatures, exhibited in a part of the vessel accessible to the crew.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, §405, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10307	46:577

Section 10307 requires the master to post a copy of the shipping agreement in a part of the vessel accessible to the crew prior to the commencement of a voyage. The posting must be done in a manner that gives seamen adequate notice of the particulars of the pending voyage.

AMENDMENTS

1993—Pub. L. 103–206 struck out at end “A master violating this section is liable to the United States Government for a civil penalty of \$100.”

§ 10308. Foreign engagements

When a seaman is engaged outside the United States, the agreement required by section 10302 of this title shall be signed in the presence of a consular officer. If a consular officer is not available at the port of engagement, the seaman may be engaged, and the agreement shall be signed in the next port at which a consular officer is available.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, §406, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10308	46:570

Section 10308 requires that shipping agreements made in foreign ports be signed in the presence of a consular officer. The penalty for violation of this section is \$100.

AMENDMENTS

1993—Pub. L. 103–206 struck out “(a)” before “When a seaman” and struck out subsec. (b) which read as follows: “A master engaging a seaman in violation of this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.”

§ 10309. Engaging seamen to replace those lost by desertion or casualty

(a) If a desertion or casualty results in the loss of at least one seaman, the master shall engage, if obtainable, a number equal to the number of seamen of whose services the master has been deprived. The new seaman must have at least the same grade or rating as the seaman whose place the new seaman fills. The master shall report the loss and replacement to a consular officer at the first port at which the master arrives.

(b) This section does not apply to a fishing or whaling vessel or a yacht.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, §407, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10309	46:569

Section 10309 provides for the replacement of seamen lost by desertion or casualty. It does not apply to fishing vessels, whaling vessels, or yachts.

AMENDMENTS

1993—Subsecs. (b), (c). Pub. L. 103–206 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “The master is liable to the United States Government for a civil penalty of \$200 for each report not made. The vessel also is liable in rem for the penalty.”

§ 10310. Discharge

A master shall deliver to a seaman a full and true account of the seaman’s wages and all deductions at least 48 hours before paying off or discharging the seaman.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, §408, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10310	46:641 46:642

Section 10310 requires the master of a vessel to give each seaman a full account of the seaman’s wages 48 hours before discharge. The penalty for violation is \$50.

AMENDMENTS

1993—Pub. L. 103–206 struck out “or a shipping commissioner” after “to a seaman” and struck out at end “A master failing to deliver the account is liable to the United States Government for a civil penalty of \$50.”