

§ 10311. Certificates of discharge

(a) On discharging a seaman and paying the seaman's wages, the master or individual in charge shall provide the seaman with a certificate of discharge. The form of the certificate shall be prescribed by regulation. It shall contain—

- (1) the name of the seaman;
(2) the citizenship or nationality of the seaman;
(3) the number of the seaman's merchant mariner's document;
(4) the name and official number of the vessel;
(5) the nature of the voyage (foreign, inter-coastal, or coastwise);
(6) the propulsion class of the vessel;
(7) the date and place of engagement;
(8) the date and place of discharge; and
(9) the seaman's capacity on the voyage.

(b) The certificate of discharge may not contain a reference about the character or ability of the seaman. The certificate shall be signed by the master and the seaman.

(c) A certificate of discharge may not be issued if the seaman holds a continuous discharge book. The entries shall be made in the discharge book in the same manner as the entries required by subsection (a) of this section.

(d)(1) A record of each discharge shall be maintained by the owner, charterer, managing operator, master, or individual in charge in the manner and location prescribed by regulation. The records may not be open for general or public use or inspection.

(2) A duplicate of a record of discharge shall be issued to a seaman at the request of the seaman.

(e) 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, §409, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 10311, 46:643

Section 10311 requires a shipping commissioner, when discharging a seaman, either to provide the seaman with a certificate of discharge or to make an entry in the seaman's continuous discharge book. It requires that certain facts be included in the certificate or in the entry, prohibits other information from being included, and requires the Secretary to keep records of all discharges, copies of which must be furnished to seamen at cost upon request. These discharges are used to substantiate the nature and duration of the seaman's employment on a particular vessel. This section does not apply to fishing vessels, whaling vessels, or yachts.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206, §409(1), substituted "master or individual in charge" for "shipping commissioner".

Subsec. (b). Pub. L. 103-206, §409(2), substituted "by the master and the seaman" for "by the master, the seaman, and the shipping commissioner as witness".

Subsec. (d)(1). Pub. L. 103-206, §409(3), substituted "owner, charterer, managing operator, master, or individual in charge" for "Secretary".

Subsec. (d)(2). Pub. L. 103-206, §409(4), substituted "at the request of the seaman" for "at a cost prescribed by regulation".

§ 10312. Settlements on discharge

When discharge and settlement are completed, the master, individual in charge, or owner and each seaman shall sign the agreement required by section 10302 of this title.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 565; Pub. L. 103-206, title IV, §410, Dec. 20, 1993, 107 Stat. 2437.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 10312(a), (b), (d)-(f), 46:644. Row 2: 10312(c), 46:652

Section 10312 outlines the procedures for settlements upon discharge and for settling disputes over seamen's wages and discharges.

AMENDMENTS

1993—Pub. L. 103-206 amended heading and text of section generally, substituting text consisting of sentence relating to signing agreements on discharge and settlement for former subsecs. (a) to (f) relating to such agreements, proceedings before shipping commissioners to settle disputes, certified copies of agreements, evidence of release of claims, and statements of wages paid.

§ 10313. Wages

(a) A seaman's entitlement to wages and provisions begins when the seaman begins work or when specified in the agreement required by section 10302 of this title for the seaman to begin work or be present on board, whichever is earlier.

(b) Wages are not dependent on the earning of freight by the vessel. When the loss or wreck of the vessel ends the service of a seaman before the end of the period contemplated in the agreement, the seaman is entitled to wages for the period of time actually served. The seaman shall be deemed a destitute seaman under section 11104 of this title. This subsection applies to a fishing or whaling vessel but not a yacht.

(c) When a seaman who has signed an agreement is discharged improperly before the beginning of the voyage or before one month's wages are earned, without the seaman's consent and without the seaman's fault justifying discharge, the seaman is entitled to receive from the master or owner, in addition to wages earned, one month's wages as compensation.

(d) A seaman is not entitled to wages for a period during which the seaman—

- (1) unlawfully failed to work when required, after the time fixed by the agreement for the seaman to begin work; or
(2) lawfully was imprisoned for an offense, unless a court hearing the case otherwise directs.

(e) After the beginning of the voyage, a seaman is entitled to receive from the master, on demand, one-half of the balance of wages earned and unpaid at each port at which the vessel loads or delivers cargo during the voyage. A demand may not be made before the expiration of 5 days from the beginning of the voyage, not more than once in 5 days, and not more than once in the same port on the same entry. If a master does not comply with this subsection,