

try, and a vessel of the United States of at least 75 gross tons on a voyage between a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean, shall have an official logbook."

§ 11302. Manner of making entries

Each entry made in the official logbook—

- (1) shall be made as soon as possible after the occurrence;
(2) if not made on the day of the occurrence, shall be dated and state the date of the occurrence;
(3) if the entry is about an occurrence happening before the vessel's arrival at the final port of discharge, shall be made not later than 24 hours after the arrival;
(4) shall be signed by the master; and
(5) shall be signed by the chief mate or another seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 581.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 11302, 46:202

Section 11302 describes the manner in which entries shall be made in the logbook, specifying when they shall be made, who shall sign them, and requiring that they shall be dated.

§ 11303. Penalties

(a) A master failing to maintain an official logbook as required by this part is liable to the United States Government for a civil penalty of \$200.

(b) A master failing to make an entry in the vessel's official logbook as required by this part is liable to the Government for a civil penalty of \$200.

(c) A person is liable to the Government for a civil penalty of \$150 when the person makes, procures to be made, or assists in making, an entry in the vessel's official logbook—

- (1) later than 24 hours after the vessel's arrival at the final port of discharge; and
(2) that is about an occurrence that happened before that arrival.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 582.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 11303, 46:203

Section 11303 provides a penalty for violation of the provisions about logbooks in this part.

§ 11304. Additional logbook and entry requirements

(a) A vessel of the United States that is subject to inspection under section 3301 of this title, except a vessel on a voyage from a port in the United States to a port in Canada, shall have an official logbook, which shall be kept available for review by the Secretary on request.

(b) The log book required by subsection (a) shall include the following entries:

- (1) The time when each seaman and each officer assumed or relieved the watch.
(2) The number of hours in service to the vessels of each seaman and each officer.

(3) An account of each accident, illness, and injury that occurs during each watch.

(Added Pub. L. 111-281, title VI, §607(a), Oct. 15, 2010, 124 Stat. 2967.)

CHAPTER 115—OFFENSES AND PENALTIES

Table with 2 columns: Sec., Description. Rows: 11501. Penalties for specified offenses. 11502. Entry of offenses in logbook. 11503. Duties of consular officers related to insubordination. 11504. Enforcement of forfeitures. 11505. Disposal of forfeitures. 11506. Carrying sheath knives. 11507. Surrender of offending officers.

§ 11501. Penalties for specified offenses

When a seaman lawfully engaged commits any of the following offenses, the seaman shall be punished as specified:

(1) For desertion, the seaman forfeits any part of the money or property the seaman leaves on board and any part of earned wages.

(2) For neglecting or refusing without reasonable cause to join the seaman's vessel or to proceed to sea in the vessel, for absence without leave within 24 hours of the vessel's sailing from a port (at the beginning or during the voyage), or for absence without leave from duties and without sufficient reason, the seaman forfeits from the seaman's wages not more than 2 days' pay or a sufficient amount to defray expenses incurred in hiring a substitute.

(3) For quitting the vessel without leave after the vessel's arrival at the port of delivery and before the vessel is placed in security, the seaman forfeits from the seaman's wages not more than one month's pay.

(4) For willful disobedience to a lawful command at sea, the seaman, at the discretion of the master, may be confined until the disobedience ends, and on arrival in port forfeits from the seaman's wages not more than 4 days' pay or, at the discretion of the court, may be imprisoned for not more than one month.

(5) For continued willful disobedience to lawful command or continued willful neglect of duty at sea, the seaman, at the discretion of the master, may be confined, on water and 1,000 calories, with full rations every 5th day, until the disobedience ends, and on arrival in port forfeits, for each 24 hours' continuance of the disobedience or neglect, not more than 12 days' pay or, at the discretion of the court, may be imprisoned for not more than 3 months.

(6) For assaulting a master, mate, pilot, engineer, or staff officer, the seaman shall be imprisoned for not more than 2 years.

(7) For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, the seaman forfeits from the seaman's wages the amount of the loss sustained and, at the discretion of the court, may be imprisoned for not more than 12 months.

(8) For smuggling for which a seaman is convicted causing loss or damage to the owner or master, the seaman is liable to the owner or master for the loss or damage, and any part of the seaman's wages may be retained to satisfy

the liability. The seaman also may be imprisoned for not more than 12 months. (Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 582.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11501 .....	46:701

Section 11501 provides penalties for specific offenses committed by seamen.

§ 11502. Entry of offenses in logbook

(a) When an offense listed in section 11501 of this title is committed, an entry shall be made in the vessel's official logbook—

- (1) on the day of the offense;
- (2) stating the details;
- (3) signed by the master; and
- (4) signed by the chief mate or another seaman.

(b) Before arrival in port if the offense was committed at sea, or before departure if the offense was committed in port and the offender is still on the vessel—

- (1) the entry shall be read to the offender;
- (2) the offender shall be given a copy; and
- (3) the offender shall be given the opportunity to reply.

(c) After subsection (b) of this section has been complied with, an entry shall be made in the official logbook—

- (1) stating that the entry about the offense was read and a copy provided to the offender;
- (2) stating the offender's reply;
- (3) signed by the master; and
- (4) signed by the chief mate or another seaman.

(d) In a subsequent legal proceeding, if the entries required by this section are not produced or proved, the court may refuse to receive evidence of the offense.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 583.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11502 .....	46:702

Section 11502 describes the manner in which offenses must be recorded in the official logbook, and the use of the records by the court.

§ 11503. Duties of consular officers related to insubordination

(a) A consular officer shall use every means to discountenance insubordination on vessels of the United States, including employing the aid of local authorities.

(b) When a seaman is accused of insubordination, a consular officer shall inquire into the facts and proceed as provided in section 11106 of this title. If the consular officer discharges the seaman, the officer shall endorse the agreement required by this part and enter in the vessel's official logbook the cause and particulars of the discharge.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 583.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11503 .....	46:703

Section 11503 delegates to consular officers certain responsibilities related to insubordination of seamen on United States vessels.

§ 11504. Enforcement of forfeitures

When an offense by a seaman also is a criminal violation, it is not necessary that a criminal proceeding be brought to enforce a forfeiture.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11504 .....	46:705

Section 11504 provides that when a seaman has committed a criminal offense, a forfeiture may be enforced through civil proceedings.

§ 11505. Disposal of forfeitures

(a) Money, property, and wages forfeited under this chapter for desertion may be applied to compensate the owner or master of the vessel for expenses caused by the desertion. The balance shall be transferred to the appropriate district court of the United States when the voyage is completed.

(b) If it appears to the district court that the forfeiture was imposed properly, the property transferred may be sold in the same manner prescribed for the disposition of the property of deceased seamen. The court shall deposit in the Treasury as miscellaneous receipts the proceeds of the sale and any money and wages transferred to the court.

(c) When an owner or master fails to transfer the balance as required under subsection (a) of this section, the owner or master is liable to the United States Government for a civil penalty of 2 times the amount of the balance, recoverable by the Secretary in the same manner that seaman's wages are recovered.

(d) In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the owner of the vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584; Pub. L. 103-206, title IV, §421, Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11505 .....	46:706

Section 11505 provides for the disposal of wages forfeited by deserting seamen.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206, §421(1), substituted "The balance shall be transferred to the appropriate district court of the United States when the voyage is completed." for "The balance shall be transferred to the Secretary when the voyage is completed, as prescribed by the Secretary."

Subsec. (b). Pub. L. 103-206, §421(2), struck out at beginning "Within one month of receiving the balance under subsection (a) of this section, the Secretary shall transfer the balance to the appropriate district court of the United States."