

AMENDMENTS

1988—Pub. L. 100-239, §5(f)(2), Jan. 11, 1988, 101 Stat. 1781, added item 8704.

§ 8701. Merchant mariners' documents required

(a) This section applies to a merchant vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title except—

- (1) a vessel operating only on rivers and lakes (except the Great Lakes);
- (2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);
- (3) a fishing, fish tender, or whaling vessel or a yacht;
- (4) a sailing school vessel with respect to sailing school instructors and sailing school students;
- (5) an oceanographic research vessel with respect to scientific personnel;
- (6) a fish processing vessel entered into service before January 1, 1988, and not more than 1,600 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title or entered into service after December 31, 1987, and having not more than 16 individuals on board primarily employed in the preparation of fish or fish products;
- (7) a fish processing vessel (except a vessel to which clause (6) of this subsection applies) with respect to individuals on board primarily employed in the preparation of fish or fish products or in a support position not related to navigation;
- (8) a mobile offshore drilling unit with respect to individuals, other than crew members required by the certificate of inspection, engaged on board the unit for the sole purpose of carrying out the industrial business or function of the unit;
- (9) a passenger vessel not engaged in a foreign voyage with respect to individuals on board employed for a period of not more than 30 service days within a 12 month period as entertainment personnel, with no duties, including emergency duties, related to the navigation of the vessel or the safety of the vessel, its crew, cargo or passengers; and
- (10) the Secretary may prescribe the individuals required to hold a merchant mariner's document serving onboard an oil spill response vessel.

(b) A person may not engage or employ an individual, and an individual may not serve, on board a vessel to which this section applies if the individual does not have a merchant mariner's document issued to the individual under section 7302 of this title. Except for an individual required to be licensed or registered under this part, the document must authorize service in the capacity for which the holder of the document is engaged or employed.

(c) On a vessel to which section 10306 or 10503 of this title does not apply, an individual required by this section to hold a merchant mariner's document must exhibit it to the master of

the vessel before the individual may be employed.

(d) A person (including an individual) violating this section is liable to the United States Government for a civil penalty of \$500.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 554; Pub. L. 98-364, title IV, §402(12)(A), July 17, 1984, 98 Stat. 449; Pub. L. 99-640, §11(c), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 104-324, title VII, §731, title XI, §1104(e), Oct. 19, 1996, 110 Stat. 3940, 3967; Pub. L. 107-295, title III, §324(b), Nov. 25, 2002, 116 Stat. 2104.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
8701 .....	46:444 46:643 46:643a 46:672

Section 8701 requires an individual to have a merchant mariner's document before that individual can be engaged or employed on certain vessels.

Subsection (a) makes this documentation requirement applicable to United States merchant vessels of at least 100 gross tons except for certain inland vessels and barges, fishing or whaling vessels, yachts, and, in certain circumstances, to sailing school vessels or oceanographic research vessels.

Subsection (b) prohibits the engagement or employment of an individual required to have a document prescribed under section 7302 if the individual does not have one. Except for licensed or registered individuals, the document must specify the capacity in which the individual is engaged or employed.

Subsection (c) requires an individual to exhibit the required document to the master, if not otherwise required to do so in some other manner before that individual may be employed.

Subsection (d) prescribes the penalty for violation of this section.

AMENDMENTS

2002—Subsec. (a)(9), (10). Pub. L. 107-295 added par. (9) and redesignated former par. (9) as (10).

1996—Subsec. (a). Pub. L. 104-324, §731(1), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "100 gross tons" in introductory provisions.

Subsec. (a)(6). Pub. L. 104-324, §731(2), inserted "as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title" after "1,600 gross tons".

Subsec. (a)(9). Pub. L. 104-324, §1104(e), added par. (9). 1986—Subsec. (a)(8). Pub. L. 99-640 added par. (8).

1984—Subsec. (a)(3). Pub. L. 98-364, §402(12)(A)(i), substituted "fishing, fish tender, or whaling" for "fishing or whaling".

Subsec. (a)(6), (7). Pub. L. 98-364, §402(12)(A)(ii)-(iv), added pars. (6) and (7).

§ 8702. Certain crew requirements

(a) This section applies to a vessel of at least 100 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title except—

- (1) a vessel operating only on rivers and lakes (except the Great Lakes);
- (2) a barge (except a seagoing barge or a barge to which chapter 37 of this title applies);