

§ 10601. Fishing agreements

(a) Before proceeding on a voyage, the owner, charterer, or managing operator, or a representative thereof, including the master or individual in charge, of a fishing vessel, fish processing vessel, or fish tender vessel shall make a fishing agreement in writing with each seaman employed on board if the vessel is—

- (1) at least 20 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; and
- (2) on a voyage from a port in the United States.

(b) The agreement shall—

- (1) state the period of effectiveness of the agreement;
- (2) include the terms of any wage, share, or other compensation arrangement peculiar to the fishery in which the vessel will be engaged during the period of the agreement; and
- (3) include other agreed terms.

(Pub. L. 100-424, §6(a), Sept. 9, 1988, 102 Stat. 1591; Pub. L. 104-324, title VII, §739, Oct. 19, 1996, 110 Stat. 3942; Pub. L. 107-295, title IV, §441(a), (b), Nov. 25, 2002, 116 Stat. 2131.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10601 points to 46:531.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107-295, §441(a), (b)(1), in introductory provisions, inserted “owner, charterer, or managing operator, or a representative thereof, including the” after “on a voyage, the” and comma after “individual in charge” and substituted “employed” for “employed”.

Subsecs. (b), (c). Pub. L. 107-295, §441(b)(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “The agreement shall be signed also by the owner of the vessel.”

1996—Subsec. (a)(1). Pub. L. 104-324 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 “20 gross tons”.

AGREEMENTS DEEMED COMPLIANT

Pub. L. 107-295, title IV, §441(c), Nov. 25, 2002, 116 Stat. 2131, as amended by Pub. L. 108-199, div. H, §137(a), Jan. 23, 2004, 118 Stat. 442, provided that: “An agreement that complies with the requirements of section 10601(a) of title 46, United States Code, as herein amended, is hereby deemed to have been in compliance with subsections (a) and (b) of section 10601 of title 46, United States Code, as in effect prior to November 25, 2002.”

[Pub. L. 108-199, div. H, §137(b), Jan. 23, 2004, 118 Stat. 442, provided that: “The amendments made by subsection (a) [amending section 441(c) of Pub. L. 107-295, set out above] apply to all proceedings pending on or commenced after the date of enactment of this Act [Jan. 23, 2004].”]

§ 10602. Recovery of wages and shares of fish under agreement

(a) When fish caught under an agreement under section 10601 of this title are delivered to the owner of the vessel for processing and are sold, the vessel is liable in rem for the wages

and shares of the proceeds of the seamen. An action under this section must be brought within six months after the sale of the fish.

(b)(1) In an action under this section, the owner shall produce an accounting of the sale and division of proceeds under the agreement. If the owner fails to produce the accounting, the vessel is liable for the highest value alleged for the shares.

(2) The owner may offset the value of general supplies provided for the voyage and other supplies provided the seaman bringing the action.

(c) This section does not affect a common law right of a seaman to bring an action to recover the seaman’s share of the fish or proceeds.

(Pub. L. 100-424, §6(a), Sept. 9, 1988, 102 Stat. 1592.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10602 points to 46:533, 534.

§ 10603. Seaman’s duty to notify employer regarding illness, disability, and injury

(a) A seaman on a fishing vessel, fish processing vessel, or fish tender vessel shall notify the master or individual in charge of the vessel or other agent of the employer regarding any illness, disability, or injury suffered by the seaman when in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

(b) The Secretary shall prescribe regulations requiring that each fishing vessel, fish processing vessel, and fish tender vessel shall have on board a placard displayed in a prominent location accessible to the crew describing the seaman’s duty under subsection (a) of this section.

(Pub. L. 100-424, §6(a), Sept. 9, 1988, 102 Stat. 1592.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10603 points to New.

CHAPTER 107—EFFECTS OF DECEASED SEAMEN

Table with 2 columns: Sec., Application. Lists sections 10701 through 10711 and their corresponding applications.

AMENDMENTS

1993—Pub. L. 103-206, title IV, §420(b), Dec. 20, 1993, 107 Stat. 2438, struck out item 10707 “Delivery to district court”.

§ 10701. Application

(a) Except as otherwise specifically provided, this chapter applies to a vessel on a voyage between—