

§ 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 shows source section 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 shows source sections 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 shows source section 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—

(1) a port of the United States and a port in a foreign country (except a port in Canada, Mexico, and the West Indies); and

(2) a port of the United States on the Atlantic Ocean and a port of the United States on the Pacific Ocean.

(b) This chapter does not apply to a vessel on which a seaman by custom or agreement is entitled to share in the profit or result of a voyage.

(c) This chapter does not apply to a foreign vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 10701 | 46:621 |

Section 10701 provides that the provisions in chapter 107 apply to vessels on voyages between U.S. ports and foreign countries (except Canada, Mexico, or the West Indies) and between United States ports on the Atlantic and United States ports on the Pacific. It does not apply to foreign vessels or vessels on which the seamen share the profits.

§ 10702. Duties of masters

(a) When a seaman dies during a voyage, the master shall take charge of the seaman's money and property. An entry shall be made in the official logbook, signed by the master, the chief mate, and an unlicensed crewmember containing an inventory of the money and property and a statement of the wages due the seaman, with the total of the deductions to be made.

(b) On compliance with this chapter, the master shall obtain a written certificate of compliance from the consular officer or court clerk. Clearance may be granted to a foreign-bound vessel only when the certificate is received at the office of customs.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572; Pub. L. 103-206, title IV, § 422(a), Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 10702 | 46:621 |

Section 10702 requires a master to take charge of the property of a deceased seaman, make note in the official logbook that the property was taken and obtain a certificate of compliance from a shipping commissioner which must be exhibited for port clearance of foreign bound vessels.

AMENDMENTS

1993—Subsec. (b). Pub. L. 103-206 substituted “the consular officer or court clerk” for “a shipping commissioner”.

§ 10703. Procedures of masters

(a) If the vessel is proceeding to the United States when a seaman dies, the master shall deliver the seaman's money, property, and wages when the agreement required by this part is ended, as provided in section 10706 of this title.

(b) If the vessel touches at a foreign port after the death of the seaman, the master shall report to the first available consular officer. The consular officer may require the master to deliver

to the officer the money, property, and wages of the seaman. The consular officer shall give the master a receipt for the matters delivered and certify on the agreement the particulars of the delivery. When the agreement ends, the master shall deliver the receipt to a district court of the United States.

(c) If the consular officer does not require the master to deliver the seaman's money, property, and wages, the officer shall so certify on the agreement, and the master shall dispose of the money, property, and wages as provided under section 10706 of this title.

(d) A deduction from the account of a deceased seaman is valid only if certified by a proper entry in the official logbook.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 573; Pub. L. 103-206, title IV, § 418, Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 10703 | 46:622 |

Section 10703 provides for the disposal by the master of the property and wages of deceased seamen who have died outside the United States.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206, § 418(1), substituted “in section 10706 of this title” for “by regulations prescribed by the Secretary”.

Subsec. (b). Pub. L. 103-206, § 418(2), substituted “to a district court of the United States” for “as prescribed by regulations”.

Subsec. (c). Pub. L. 103-206, § 418(3), substituted “section 10706 of this title” for “subsection (a) of this section”.

§ 10704. Duties of consular officers

When a seaman dies outside the United States leaving money or property not on board a vessel, the consular officer nearest the place at which the money and property is located shall claim and take charge of it.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 573.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 10704 | 46:624 |

Section 10704 requires consular officers to take charge of the property (not left on board a vessel) of deceased seamen who have died outside the United States.

§ 10705. Disposition of money, property, and wages by consular officers

When money, property, or wages of a deceased seaman comes into possession of a consular officer, the officer may—

- (1) sell the property and remit the proceeds and other money or wages of the seaman the officer has received, to the district court of the United States for the district in which the voyage begins or ends; or
- (2) deliver the money, property, and wages to the district court.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 573.)