

§ 10308. Foreign engagements

When a seaman is engaged outside the United States, the agreement required by section 10302 of this title shall be signed in the presence of a consular officer. If a consular officer is not available at the port of engagement, the seaman may be engaged, and the agreement shall be signed in the next port at which a consular officer is available.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103-206, title IV, §406, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10308 points to 46:570.

Section 10308 requires that shipping agreements made in foreign ports be signed in the presence of a consular officer. The penalty for violation of this section is \$100.

AMENDMENTS

1993—Pub. L. 103-206 struck out “(a)” before “When a seaman” and struck out subsec. (b) which read as follows: “A master engaging a seaman in violation of this section is liable to the United States Government for a civil penalty of \$100. The vessel also is liable in rem for the penalty.”

§ 10309. Engaging seamen to replace those lost by desertion or casualty

(a) If a desertion or casualty results in the loss of at least one seaman, the master shall engage, if obtainable, a number equal to the number of seamen of whose services the master has been deprived. The new seaman must have at least the same grade or rating as the seaman whose place the new seaman fills. The master shall report the loss and replacement to a consular officer at the first port at which the master arrives.

(b) 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, §407, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10309 points to 46:569.

Section 10309 provides for the replacement of seamen lost by desertion or casualty. It does not apply to fishing vessels, whaling vessels, or yachts.

AMENDMENTS

1993—Subsecs. (b), (c). Pub. L. 103-206 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “The master is liable to the United States Government for a civil penalty of \$200 for each report not made. The vessel also is liable in rem for the penalty.”

§ 10310. Discharge

A master shall deliver to a seaman a full and true account of the seaman’s wages and all deductions at least 48 hours before paying off or discharging the seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103-206, title IV, §408, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10310 points to 46:641 and 46:642.

Section 10310 requires the master of a vessel to give each seaman a full account of the seaman’s wages 48 hours before discharge. The penalty for violation is \$50.

AMENDMENTS

1993—Pub. L. 103-206 struck out “or a shipping commissioner” after “to a seaman” and struck out at end “A master failing to deliver the account is liable to the United States Government for a civil penalty of \$50.”

§ 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 10311 points to 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