

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 574.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 10711 | 46:623 |

Section 10711 provides penalties for masters and owners violating this chapter.

CHAPTER 109—PROCEEDINGS ON UNSEAWORTHINESS

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| Sec. | |
| 10901. | Application. |
| 10902. | Complaints of unfitness. |
| 10903. | Proceedings on examination of vessel. |
| 10904. | Refusal to proceed. |
| 10905. | Complaints in foreign ports. |
| 10906. | Discharge of crew for unsuitability. |
| 10907. | Permission to make complaint. |
| 10908. | Penalty for sending unseaworthy vessel to sea. |

§ 10901. Application

This chapter applies to a vessel of the United States except a fishing or whaling vessel or a yacht.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 575.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 10901 | 46:653 |
| | 46:654 |
| | 46:655 |
| | 46:656 |
| | 46:658 |

Section 10901 provides that chapter 109 applies to all vessels of the United States except fishing vessels, whaling vessels or yachts.

§ 10902. Complaints of unfitness

(a)(1) If the chief and second mates or a majority of the crew of a vessel ready to begin a voyage discover, before the vessel leaves harbor, that the vessel is unfit as to crew, hull, equipment, tackle, machinery, apparel, furniture, provisions of food or water, or stores to proceed on the intended voyage and require the unfitness to be inquired into, the master immediately shall apply to the district court of the United States at the place at which the vessel is located, or, if no court is being held at the place at which the vessel is located, to a judge or justice of the peace, for the appointment of surveyors. At least 2 complaining seamen shall accompany the master to the judge or justice of the peace.

(2) A master failing to comply with this subsection is liable to the United States Government for a civil penalty of \$500.

(b)(1) Any 3 seamen of a vessel may complain that the provisions of food or water for the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. The complaint may be made to the Secretary, commanding officer of a United States naval vessel, consular officer, or chief official of the Customs Service.

(2) The Secretary, officer, or official shall examine, or have examined, the provisions of food or water. If the provisions are found to be of bad quality, unfit for use, or deficient in quantity, the person making the findings shall certify to

the master of the vessel which provisions are of bad quality, unfit for use, or deficient.

(3) The Secretary, officer, or official to whom the complaint was made shall—

(A) make an entry in the official logbook of the vessel on the results of the examination; and

(B) submit a report on the examination to the district court of the United States at which the vessel is to arrive, with the report being admissible into evidence in any legal proceeding.

(4) The master is liable to the Government for a civil penalty of not more than \$100 each time the master, on receiving the certification referred to in paragraph (2) of this subsection—

(A) does not provide other proper provisions of food or water, when available, in place of the provisions certified as of bad quality or unfit for use;

(B) does not obtain sufficient provisions when the certification includes a finding of a deficiency in quantity; or

(C) uses provisions certified to be of bad quality or unfit for use.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 575; Pub. L. 103-206, title IV, §422(b), Dec. 20, 1993, 107 Stat. 2439.)

HISTORICAL AND REVISION NOTES

| <i>Revised section</i> | <i>Source section (U.S. Code)</i> |
|------------------------|-----------------------------------|
| 10902(a) | 46:653 |
| 10902(b) | 46:662 |

Section 10902 instructs the crew on making complaints of unfitness of vessel with regard to equipment and provisions, and instructs the master on responding to those complaints, and provides a penalty for violations.

AMENDMENTS

1993—Subsec. (b)(1). Pub. L. 103-206, §422(b)(1), inserted “Secretary,” after “The complaint may be made to the” and struck out “Coast Guard shipping commissioner,” after “consular officer.”

Subsec. (b)(2), (3). Pub. L. 103-206, §422(b)(2), substituted “The Secretary, officer,” for “The officer, commissioner.”

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6. For establishment of U.S. Customs and Border Protection in the Department of Homeland Security, treated as if included in Pub. L. 107-296 as of Nov. 25, 2002, see section 211 of Title 6, as amended generally by Pub. L. 114-125, and section 802(b) of Pub. L. 114-125, set out as a note under section 211 of Title 6.

§ 10903. Proceedings on examination of vessel

(a) On application made under section 10902(a) of this title, the judge or justice of the peace shall appoint 3 experienced and skilled marine surveyors to examine the vessel for the defects or insufficiencies complained of. The surveyors have the authority to receive and consider evi-