

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 101–380, title IV, § 4108(b), Aug. 18, 1990, 104 Stat. 515.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
9308	46:216e(a)–(c)

Section 9308 prescribes the penalties for violations of sections 9302 and 9303.

Editorial Notes

AMENDMENTS

1990—Subsecs. (a) to (c). Pub. L. 101–380 substituted “no more than \$10,000” for “\$500”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–380 applicable to incidents occurring after Aug. 18, 1990, see section 1020 of Pub. L. 101–380, set out as an Effective Date note under section 2701 of Title 33, Navigation and Navigable Waters.

PART G—MERCHANT SEAMEN PROTECTION AND RELIEF

HISTORICAL AND REVISION NOTES

Part G provides for a number of measures for the protection and relief of merchant seamen by requiring certain contractual obligations between the master who represents the vessel owner's interest and the seamen who are engaged or employed on board a vessel, by requiring certain proceedings when a seaman dies or a vessel is suspected of being unseaworthy, by requiring certain standards for accommodations, medicine, clothing, miscellaneous merchandise, and for the handling of special and unique problems of seamen. It also provides for a method of imposing disciplinary controls through the logging of offenses and provides penalties for specified offenses, and certain related disciplinary procedures. The provisions of this part generally do not apply to fishing vessels, whaling vessels, or yachts.

CHAPTER 101—GENERAL

Sec.	
10101.	Definitions.
[10102.	Repealed.]
10103.	Reports.
10104.	Requirement to report sexual offenses.

Editorial Notes

AMENDMENTS

1993—Pub. L. 103–206, title IV, § 422(c)(2), Dec. 20, 1993, 107 Stat. 2439, struck out item 10102 “Designations and duties of shipping commissioners”.

1989—Pub. L. 101–225, title II, § 214(b), Dec. 12, 1989, 103 Stat. 1914, substituted “Requirement to report sexual offenses” for “Regulations” in item 10104.

§ 10101. Definitions

In this part—

(1) “master” means the individual having command of a vessel.

(2) “owner” means the person to whom the vessel belongs.

(3) “seaman” means an individual (except scientific personnel, a sailing school instructor, or a sailing school student) engaged or employed in any capacity on board a vessel.

(4) “fishing vessel” includes—

(A) a fish tender vessel; or

(B) 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.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 98–364, title IV, § 402(13), July 17, 1984, 98 Stat. 449; Pub. L. 98–557, § 33(d), Oct. 30, 1984, 98 Stat. 2876; Pub. L. 99–640, § 10(b)(3), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 104–324, title VII, § 736, Oct. 19, 1996, 110 Stat. 3941.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10101	46:713

Section 10101 defines the terms master, seaman, and owner as they apply to merchant seamen's protection and relief.

Editorial Notes

AMENDMENTS

1996—Par. (4)(B). 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 “1,600 gross tons”.

1986—Pars. (1), (3). Pub. L. 99–640 struck out “owned by a citizen of the United States” after “vessel”.

1984—Par. (4). Pub. L. 98–364, as amended Pub. L. 98–557, added par. (4).

[§ 10102. Repealed. Pub. L. 103–206, title IV, § 422(c)(1), Dec. 20, 1993, 107 Stat. 2439]

Section, Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560, related to designations and duties of shipping commissioners.

§ 10103. Reports

(a) A master of a vessel to which section 8701(a) of this title applies, who engages or discharges a seaman, shall submit reports to the vessel owner in the form, content, and manner of filing as prescribed by regulation, to ensure compliance with laws related to manning and the engagement and discharge of seamen.

(b) This section does not apply to a ferry or towing vessel operated in connection with a ferry operation, employed only in trades other than with foreign ports, lakes, bays, sounds, bayous, canals, or harbors.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 560; Pub. L. 103–206, title IV, § 417, Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10103	46:643(l)

Section 10103 requires that masters who engage or discharge seamen submit to the Coast Guard reports of the manning of the vessel, and reports of shipping agreements which are not supervised by a shipping commissioner. It also contains a number of exceptions for specified vessels.

Editorial Notes**AMENDMENTS**

1993—Subsec. (a). Pub. L. 103-206 struck out “without a shipping commissioner being present” after “discharges a seaman” and inserted “to the vessel owner” after “shall submit reports”.

§ 10104. Requirement to report sexual offenses

(a) A master or other individual in charge of a documented vessel shall report to the Secretary a complaint of a sexual offense prohibited under chapter 109A of title 18, United States Code.

(b) A master or other individual in charge of a documented vessel who knowingly fails to report in compliance with this section is liable to the United States Government for a civil penalty of not more than \$5,000.

(Added Pub. L. 101-225, title II, §214(a)(2), Dec. 12, 1989, 103 Stat. 1914.)

Editorial Notes**PRIOR PROVISIONS**

A prior section 10104, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561, related to regulations, prior to repeal by Pub. L. 101-225, §214(a)(1).

CHAPTER 103—FOREIGN AND INTERCOASTAL VOYAGES

Sec.	
10301.	Application.
10302.	Shipping articles agreements.
10303.	Provisions.
10304.	Form of agreement.
10305.	Manner of signing agreement.
10306.	Exhibiting merchant mariners' documents.
10307.	Posting agreements.
10308.	Foreign engagements.
10309.	Engaging seamen to replace those lost by desertion or casualty.
10310.	Discharge.
10311.	Certificates of discharge.
10312.	Settlements on discharge.
10313.	Wages.
10314.	Advances.
10315.	Allotments.
10316.	Trusts.
10317.	Loss of lien and right to wages.
10318.	Wages on discharge in foreign ports.
10319.	Costs of a criminal conviction.
10320.	Records of seamen.
10321.	General penalty.

§ 10301. Application

(a) Except as otherwise specifically provided, this chapter applies to a vessel of the United States—

(1) on a voyage between a port in the United States and a port in a foreign country (except a port in Canada, Mexico, or the West Indies); or

(2) of at least 75 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 on a voyage between 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 the seamen are entitled by custom or

agreement to share in the profit or result of a voyage or to riding gang members.

(c) Unless otherwise provided, this chapter does not apply to a foreign vessel.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561; Pub. L. 104-324, title VII, §737, Oct. 19, 1996, 110 Stat. 3941; Pub. L. 109-241, title III, §312(c)(2), July 11, 2006, 120 Stat. 533.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10301	46:564
	46:566
	46:574

Section 10301 specifies that vessels on foreign and intercoastal voyages (except for fishing vessels and foreign vessels) are subject to the seamen protection and relief provisions contained in chapter 103.

Editorial Notes**AMENDMENTS**

2006—Subsec. (b). Pub. L. 109-241 inserted “or to riding gang members” after “voyage”.

1996—Subsec. (a)(2). 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 “75 gross tons”.

§ 10302. Shipping articles agreements

(a) The owner, charterer, managing operator, master, or individual in charge shall make a shipping agreement in writing with each seaman before the seaman commences employment.

(b) The agreement shall contain the following:

(1) the nature, and, as far as practicable, the duration of the intended voyage, and the port or country in which the voyage is to end.

(2) the number and description of the crew and the capacity in which each seaman is to be engaged.

(3) the time at which each seaman is to be on board to begin work.

(4) the amount of wages each seaman is to receive.

(5) regulations about conduct on board, and information on fines, short allowance of provisions, and other punishment for misconduct provided by law.

(6) a scale of the provisions that are to be provided each seaman.

(7) any stipulation in reference to advances and allotments of wages.

(8) other matters not contrary to law.

(c) Each shipping agreement must be signed by the master or individual in charge or a representative of the owner, charterer, or managing operator, and by each seaman employed.

(d) The owner, charterer, managing operator, master, or individual in charge shall maintain the shipping agreement and make the shipping agreement available to the seaman.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 561; Pub. L. 103-206, title IV, §401, Dec. 20, 1993, 107 Stat. 2435.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10302	46:564