

Editorial Notes

AMENDMENTS

1993—Subsec. (a)(2). Pub. L. 103-206, §414(1), substituted “\$5,000” for “\$100”.

Subsec. (b). Pub. L. 103-206, §414(2), substituted “\$5,000” for “\$500”.

1986—Subsec. (d). Pub. L. 99-640 struck out last sentence which read as follows: “However, this section applies to a vessel taking oysters.”

§ 10506. Trusts

Section 10505 of this title does not prevent an employer from making deductions from the wages of a seaman, with the written consent of the seaman, if—

(1) the deductions are paid into a trust fund established only for the benefit of seamen employed by that employer, and the families and dependents of those seamen (or of those seamen, families, and dependents jointly with other seamen employed by other employers, and the families and dependents of the other seamen); and

(2) the payments are held in trust to provide, from principal or interest, or both, any of the following benefits for those seamen and their families and dependents:

- (A) medical or hospital care, or both.
(B) pensions on retirement or death of the seaman.
(C) life insurance.
(D) unemployment benefits.
(E) compensation for illness or injuries resulting from occupational activity.
(F) sickness, accident, and disability compensation.
(G) purchasing insurance to provide any of the benefits specified in this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10506: 46:599

Section 10506 permits deductions to be made from wages of seamen on coastwise voyages if the deductions are to be used for the benefit of the seamen or their families.

[§ 10507. Repealed. Pub. L. 103-206, title IV, § 415(a), Dec. 20, 1993, 107 Stat. 2438]

Section, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571, related to duties of shipping commissioners.

§ 10508. General penalties

(a) A master who carries a seaman on a voyage without first making the agreement required by section 10502 of this title shall pay to the seaman the highest wage that was paid for a similar voyage within the 3 months before the time of engagement at the port or place at which the seaman was engaged. A seaman who has not signed an agreement is not bound by the applicable regulations, penalties, or forfeitures.

(b) A master engaging a seaman in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than \$5,000. The vessel also is liable in rem for the penalty.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572; Pub. L. 103-206, title IV, §416, Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10508: 46:575

Section 10508 provides for a fair wage to be paid to a seaman who was engaged without a shipping agreement, and also exempts the seaman under certain conditions from applicable regulations, penalties or forfeitures. It also provides a penalty for violation of its provisions.

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AMENDMENTS

1993—Subsec. (b). Pub. L. 103-206 substituted “not more than \$5,000” for “\$20”.

§ 10509. Penalty for failing to begin voyage

(a) A seaman who fails to be on board at the time contained in the agreement required by section 10502 of this title, without having given 24 hours’ notice of inability to do so, shall forfeit, for each hour’s lateness, one-half of one day’s pay to be deducted from the seaman’s wages if the lateness is recorded in the official logbook on the date of the violation.

(b) A seaman who does not report at all or subsequently deserts forfeits all wages.

(c) This section does not apply to a fishing or whaling vessel or a yacht.

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

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10509: 46:576

This section provides for a reduction in the wages of seamen who arrive late for voyages, if their late arrival is noted in the official logbook. It does not apply to fishing vessels, whaling vessels or yachts.

CHAPTER 106—FISHING VOYAGES

- Sec. 10601. Fishing agreements.
10602. Recovery of wages and shares of fish under agreement.
10603. Seaman’s duty to notify employer regarding illness, disability, and injury.

§ 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

Revised section	Source section (U.S. Code)
10601 .....	46:531

Editorial Notes

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”.

Statutory Notes and Related Subsidiaries

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

Revised section	Source section (U.S. Code)
10602 .....	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

Revised section	Source section (U.S. Code)
10603 .....	New

CHAPTER 107—EFFECTS OF DECEASED SEAMEN

Sec.	
10701.	Application.
10702.	Duties of masters.
10703.	Procedures of masters.
10704.	Duties of consular officers.
10705.	Disposition of money, property, and wages by consular officers.
10706.	Seamen dying in the United States.
[10707.	Repealed.]
10708.	Sale of property.
10709.	Distribution.
10710.	Unclaimed money, property, and wages.
10711.	Penalties.

Editorial Notes

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.)