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TITLE 46--SHIPPING

Subtitle II--Vessels and Seamen

Part G--Merchant Seamen Protection and Relief

CHAPTER 103--FOREIGN AND INTERCOASTAL VOYAGES

Sec. 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, intercoastal, 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, Sec. 409, Dec. 20, 1993, 107 Stat. 2436.)

Historical and Revision Notes

Revised section	Source section (U.S. Code)
10311.....	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 to substantiate the nature and duration of the seaman's employment on a particular vessel. This section does not apply to fishing vessels, whaling vessels, or yachts.

Amendments

1993--Subsec. (a). Pub. L. 103-206, Sec. 409(1), substituted ``master or individual in charge" for ``shipping commissioner".

Subsec. (b). Pub. L. 103-206, Sec. 409(2), substituted ``by the master and the seaman" for ``by the master, the seaman, and the shipping commissioner as witness".

Subsec. (d)(1). Pub. L. 103-206, Sec. 409(3), substituted ``owner, charterer, managing operator, master, or individual in charge" for ``Secretary".

Subsec. (d)(2). Pub. L. 103-206, Sec. 409(4), substituted ``at the request of the seaman" for ``at a cost prescribed by regulation".