

to wages when discharged and when incapacitated by illness or injury. It also requires a master to record in the official logbook all matters for which deductions are to be made from seamen's wages.

§ 10319. Costs of a criminal conviction

In a proceeding about a seaman's wages, if it is shown that the seaman was convicted during the voyage of an offense by a competent tribunal and sentenced by the tribunal, the court hearing the case may direct that a part of the wages due the seaman, but not more than \$15, be applied to reimburse the master for costs properly incurred in procuring the conviction and sentence.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 569.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10319 points to source section 46:707.

Section 10319 provides that if a seaman was convicted during a voyage by a tribunal, that the court may direct that up to \$15 of the seaman's wages be used to reimburse the master for the costs incurred.

§ 10320. Records of seamen

The Secretary shall prescribe regulations requiring vessel owners to maintain records of seamen on matters of engagement, discharge, and service. A vessel owner shall make these records available to the seaman and the Coast Guard on request.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 569; Pub. L. 103-206, title IV, §411, Dec. 20, 1993, 107 Stat. 2437.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10320 points to source section 46:574.

Section 10320 authorizes the Secretary to provide for the maintenance of records of the engagement, discharge, or service of seamen.

AMENDMENTS

1993—Pub. L. 103-206 amended heading and text of section generally. Prior to amendment, text read as follows: "The Secretary may prescribe regulations for reporting by a master of matters about the engagement, discharge, or service of seamen that may be needed in keeping central records of seamen."

§ 10321. General penalty

(a) A person violating any provision 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.

(b) The vessel is liable in rem for any penalty assessed under this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 569; Pub. L. 103-206, title IV, §412, Dec. 20, 1993, 107 Stat. 2437.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10321 points to source sections 46:567, 46:568, 46:571, 46:661, 46:665.

Section 10321 makes a vessel on which a seaman is carried to sea in violation of this chapter or regulation prescribed under this chapter liable in rem to the United States Government for a civil penalty of \$200 for each seaman carried in violation.

AMENDMENTS

1993—Pub. L. 103-206 amended heading and text of section generally. Prior to amendment, text read as follows: "The owner, charterer, managing operator, agent, or master of a vessel on which a seaman is carried in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of \$200 for each seaman carried in violation. The vessel also is liable in rem for the penalty."

CHAPTER 105—COASTWISE VOYAGES

Sec.

- 10501. Application.
10502. Shipping articles agreements.
10503. Exhibiting merchant mariners' documents.
10504. Wages.
10505. Advances.
10506. Trusts.
[10507. Repealed.]
10508. General penalties.
10509. Penalty for failing to begin voyage.

AMENDMENTS

1993—Pub. L. 103-206, title IV, §415(b), Dec. 20, 1993, 107 Stat. 2438, struck out item 10507 "Duties of shipping commissioners".

§ 10501. Application

(a) Except for a vessel to which chapter 103 of this title applies, this chapter applies to a vessel of at least 50 gross tons on a voyage between a port in one State and a port in another State (except an adjoining State).

(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.

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

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 10501 points to source section 46:574.

Section 10501 specifies that vessels over 50 gross tons that are not subject to chapter 103 and are engaged on voyages between two states (except for adjoining states) are subject to the provisions of this chapter. Specifically excluded are foreign vessels and vessels on which seamen share the profits.

§ 10502. 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 include the date and hour on which the seaman must be on board to begin the voyage.

(c) The agreement may not contain a provision on the allotment of wages or a scale of provisions.

(d) 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.

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

(f) The Secretary shall prescribe regulations requiring shipping companies to maintain records of seamen on matters of engagement, discharge, and service. The shipping companies shall make these records available to the seaman and the Coast Guard on request.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570; Pub. L. 103-206, title IV, §413, Dec. 20, 1993, 107 Stat. 2437.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10502 .....	46:574

Section 10502 requires the master on a vessel engaged on a coastwise voyage to sign a shipping agreement with each member of the crew and lists provisions which must be and provisions which may not be included in the agreement.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103-206, §413(1), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: "Before proceeding on a voyage, the master of a vessel to which this chapter applies shall make a shipping articles agreement in writing with each seaman on board, declaring the nature of the voyage or the period of time for which the seaman is engaged."

Subsecs. (d) to (f). Pub. L. 103-206, §413(2), added subsecs. (d) to (f).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 10503, 10504, 10505, 10508, 10509 of this title.

§ 10503. Exhibiting merchant mariners' documents

Before signing the agreement required by section 10502 of this title, a seaman required by section 8701 of this title to have a merchant mariner's document shall exhibit to the master a document issued to the seaman and appropriately endorsed for the capacity in which the seaman is to serve.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10503 .....	46:643

Under section 10503 seamen who are required to have a merchant mariner's document must exhibit it before signing a shipping agreement on a coastwise voyage.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 8701 of this title.

§ 10504. Wages

(a) After the beginning of a voyage, a seaman is entitled to receive from the master, on demand, one-half of the balance of wages earned and unpaid at each port at which the vessel loads or delivers cargo during the voyage. A demand may not be made before the expiration of 5 days from the beginning of the voyage, not more than once in 5 days, and not more than

once in the same port on the same entry. If a master does not comply with this subsection, the seaman is released from the agreement required by section 10502 of this title and is entitled to payment of all wages earned. Notwithstanding a release signed by a seaman under section 10312 of this title, a court having jurisdiction may set aside, for good cause shown, the release and take action that justice requires. This subsection does not apply to a fishing or whaling vessel or a yacht.

(b) The master shall pay a seaman the balance of wages due the seaman within 2 days after the termination of the agreement required by section 10502 of this title or when the seaman is discharged, whichever is earlier.

(c) When payment is not made as provided under subsection (b) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

(d) Subsections (b) and (c) of this section do not apply to:

- (1) a vessel engaged in coastwise commerce.
- (2) a yacht.
- (3) a fishing vessel.
- (4) a whaling vessel.

(e) This section applies to a seaman on a foreign vessel when in harbor of the United States. The courts are available to the seaman for the enforcement of this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 570; Pub. L. 99-36, §1(a)(5), May 15, 1985, 99 Stat. 67; Pub. L. 99-640, §10(b)(4), (5), Nov. 10, 1986, 100 Stat. 3550.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10504 .....	46:596 46:597 46:598

Section 10504 specifies when seamen on coastwise voyages may obtain portions of their wages. The section does not apply to fishing vessels, whaling vessels or yachts, and portions of it do not apply to vessels taking oysters. It does apply to foreign vessels while in United States ports.

AMENDMENTS

1986—Subsec. (a). Pub. L. 99-640, §10(b)(4), struck out last sentence which read as follows: "However, this subsection applies to a vessel taking oysters."

Subsec. (d)(3). Pub. L. 99-640, §10(b)(5), struck out "(except a vessel taking oysters)" after "vessel".

1985—Subsec. (d). Pub. L. 99-36 amended subsec. (d) generally, thereby including reference to a vessel engaged in coastwise commerce.

EFFECTIVE DATE OF 1985 AMENDMENT

Section 1(b) of Pub. L. 99-36 provided that: "The effective date of subsection (a)(5) of this section [amending this section] is August 26, 1983."

§ 10505. Advances

(a)(1) A person may not—

- (A) pay a seaman wages in advance of the time when the seaman has earned the wages;
- (B) pay advance wages of the seaman to another person; or
- (C) make to another person an order, note, or other evidence of indebtedness of the wages, or pay another person, for the engagement of