(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

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

Pub. L. 99–36, § 1(b), May 15, 1985, 99 Stat. 68, 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 seamen when payment is deducted or to be deducted from the seaman's wage.

(2) A person violating this subsection is liable to the United States Government for a civil penalty of not more than $5,000. A payment made in violation of this subsection does not relieve the vessel or the master from the duty to pay all wages after they have been earned.

(b) A person demanding or receiving from a seaman or an individual seeking employment as a seaman, remuneration for providing the seaman or individual with employment, is liable to the Government for a civil penalty of not more than $5,000.

(c) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement required by section 10502 of this title at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

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

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 571; Pub. L. 99–640, § 10(b)(4), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 103–206, title IV, § 414, Dec. 20, 1993, 107 Stat. 2437.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10505	46:598 46:599

Section 10505 prohibits any person from paying a seaman on a coastwise voyage advance wages, or to pay to another person any form of a seaman's wages prior to the commencement of the seaman's employment. It also prohibits a person from seeking or receiving remuneration for providing a seaman with employment. This section also requires that a vessel comply with this section before clearing port. It provides penalties for offenses of its provisions. The section does not apply to fishing vessels, whaling vessels, or yachts, but does apply to vessels taking oysters.

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

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

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

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

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

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 ''enployed''.

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''.

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.