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.