

which the vessel is to arrive, with the report being admissible into evidence in any legal proceeding.

(4) The master is liable to the Government for a civil penalty of not more than \$100 each time the master, on receiving the certification referred to in paragraph (2) of this subsection—

(A) does not provide other proper provisions of food or water, when available, in place of the provisions certified as of bad quality or unfit for use;

(B) does not obtain sufficient provisions when the certification includes a finding of a deficiency in quantity; or

(C) uses provisions certified to be of bad quality or unfit for use.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 575; Pub. L. 103–206, title IV, §422(b), Dec. 20, 1993, 107 Stat. 2439.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10902(a)	46:653
10902(b)	46:662

Section 10902 instructs the crew on making complaints of unfitness of vessel with regard to equipment and provisions, and instructs the master on responding to those complaints, and provides a penalty for violations.

AMENDMENTS

1993—Subsec. (b)(1). Pub. L. 103–206, §422(b)(1), inserted “Secretary,” after “The complaint may be made to the” and struck out “Coast Guard shipping commissioner,” after “consular officer.”

Subsec. (b)(2), (3). Pub. L. 103–206, §422(b)(2), substituted “The Secretary, officer,” for “The officer, commissioner.”

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the United States Customs Service of the Department of the Treasury, including functions of the Secretary of the Treasury relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 203(1), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

§ 10903. Proceedings on examination of vessel

(a) On application made under section 10902(a) of this title, the judge or justice of the peace shall appoint 3 experienced and skilled marine surveyors to examine the vessel for the defects or insufficiencies complained of. The surveyors have the authority to receive and consider evidence necessary to evaluate the complaint. When the complaint involves provisions of food or water, one of the surveyors shall be a medical officer of the Public Health Service, if available. The surveyors shall make a report in writing, signed by at least 2 of them, stating whether the vessel is fit to proceed to sea or, if not, in what respect it is unfit, making appropriate recommendations about additional seamen, provisions, or stores, or about physical repairs, alterations, or additions necessary to make the vessel fit.

(b) On receiving the report, the judge or justice of the peace shall endorse on the report the

judgment of the judge or justice on whether the vessel is fit to proceed on the voyage, and, if not, whether the vessel may proceed to another port at which the deficiencies can be corrected. The master and the crew shall comply with the judgment.

(c) The master shall pay all costs of the survey, report, and judgment. However, if the complaint of the crew appears in the report and judgment to have been without foundation, or if the complaint involved provisions of food or water, without reasonable grounds, the master or owner may deduct the amount of the costs and reasonable damages for the detention of the vessel, as determined by the judge or justice of the peace, from the wages of the complaining seamen.

(d) A master of a vessel violating this section who refuses to pay the costs and wages is liable to the United States Government for a civil penalty of \$100 and is liable in damages to each person injured by the refusal.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 575.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10903(a), (b)	46:654
10903(c)	46:659
10903(d)	46:660

Section 10903 provides for marine surveyors appointed by a judge or justice of the peace to inspect a vessel on which a complaint of unfitness was made, for a judge or justice of the peace to judge the fitness based on the findings, and for the payment of costs of the inspection by the master or the crew. It also includes a penalty for noncompliance.

§ 10904. Refusal to proceed

After a judgment under section 10903 of this title that a vessel is fit to proceed on the intended voyage, or after the order of a judgment to make up deficiencies is complied with, if a seaman does not proceed on the voyage, the unpaid wages of the seaman are forfeited.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 576.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10904	46:655

Section 10904 provides that if a vessel is found fit to proceed by a judge or justice of the peace and a seaman refuses to proceed, the seaman shall forfeit any unpaid wages.

§ 10905. Complaints in foreign ports

(a) When a complaint under section 10902(a) of this title is made in a foreign port, the procedures of this chapter shall be followed, with a consular officer performing the duties of the judge or justice of the peace.

(b) On review of the marine surveyors’ report, the consular officer may approve and must certify any part of the report with which the officer agrees. If the consular officer dissents from any part of the report, the officer shall certify reasons for dissenting from that part.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 576.)