HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10302	46:564

Section 10302 requires the master to make a shipping agreement with each crew member and lists the information that must be included in the agreement.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–206, § 401(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 in the crew.''

Subsecs. (c), (d). Pub. L. 103–206, § 401(2), added subsecs. (c) and (d).

§ 10303. Provisions

(a) A seaman shall be served at least 3 meals a day that total at least 3,100 calories, including adequate water and adequate protein, vitamins, and minerals in accordance with the United States Recommended Daily Allowances.

(b) The text of subsection (a) of this section shall be included in the agreement required by section 10302 of this title. A copy of the text also shall be posted in a conspicuous place in the galley and forecastle of each vessel.

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

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 562.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10303	46:713

Section 10303 requires that seamen be served adequate food and water and that the text of this requirement be posted in the galley. The provisions do not apply to fishing vessels, whaling vessels, or yachts.

§ 10304. Form of agreement

The form of the agreement required by section 10302 of this title shall be in substance as follows:

UNITED STATES OF AMERICA

(Date and place of first signature of agreement):

It is agreed between the master and seamen of the , of which is at present master, or whoever shall go for master, now bound from the port of to (here the voyage is to be described, and the places named at which the vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated).

The seamen agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the master, or of an individual who lawfully succeeds the master, and of their superior officers in everything related to the vessel, and the stores and cargo of the vessel, whether on board, in boats, or on shore. In consideration of this service by the seamen to be performed, the master agrees to pay the crew, as wages, the amounts beside their names respectively expressed, and to supply them with provisions according to the annexed scale.

It is agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the embezzlement or destruction.

If an individual holds himself or herself out as qualified for a duty which the individual proves incompetent to perform, the individual's wages shall be reduced in proportion to the incompetency.

It also is agreed that if a seaman considers himself or herself to be aggrieved by any breach of this agreement or otherwise, the seaman shall present the complaint to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall take steps that the case requires.

It also is agreed that (here any other stipulations may be inserted to which the parties agree, and that are not contrary to law).

In witness whereof, the parties have subscribed their names to this agreement, on the dates beside their respective signatures.

Signed by , master, on the day of , nineteen hundred and .

Signature of seaman	Time of service:
Birthplace	Months
Age	Days
Height:	Hospital money
Feet	Whole wages
Inches	Wages due
Description:	Place and time of entry
Complexion	Time at which seaman is to be on board
Hair	
Wages each month	In what capacity
Wages each voyage	Allotment payable to
Advance wages	Conduct qualifications
Amount of monthly allotment	

NOTE.—In the place for signature and descriptions of individuals engaged after the first departure of the vessel, the entries are to be made as above, except that the signature of the consul or vice consul, customs officer, or witness before whom the individual is engaged, is to be entered.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 562; Pub. L. 103–206, title IV, § 402, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10304	46:713

Section 10304 provides the form of the shipping articles of agreement. While the exact format need not be followed, the form that is used must contain all the pertinent elements.

AMENDMENTS

1993—Pub. L. 103–206 struck out ''Shipping commissioner's signature or initials'' immediately below ''In what capacity'' in the form.

§ 10305. Manner of signing agreement

The agreement required by section 10302 of this title shall be signed—

(1) first by the master and dated at that time, after which each seaman shall sign; and

(2) in the presence of the master or individual in charge.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 563; Pub. L. 103–206, title IV, § 403, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10305	46:565

Section 10305 describes the procedures for signing the shipping agreement, and for keeping official records of the agreement. It also requires that the agreement include a statement that the seaman understand its provisions, and did so while sober.

AMENDMENTS

1993—Pub. L. 103–206 struck out ''(a)'' before ''The agreement'', substituted ''the master or individual in charge'' for ''a shipping commissioner'' in par. (2), and struck out subsecs. (b) and (c) which read as follows:

''(b) When the crew is first engaged, the agreement shall be signed in duplicate. One of the copies shall be retained by the shipping commissioner. The other copy shall contain space for the description and signatures of seamen engaged subsequent to the first making of the agreement, and shall be delivered to the master.

''(c) An agreement signed before a shipping commissioner shall be acknowledged and signed by the commissioner on the agreement in the manner and form prescribed by regulation. The acknowledgment and certification shall include a statement by the commissioner that the seaman—

''(1) has read the agreement;

''(2) is acquainted with and understands its conditions; and

''(3) has signed it freely and voluntarily when sober.''

§ 10306. Exhibiting merchant mariners' documents

Before signing the agreement required by section 10302 of this title, each individual required by section 8701 of this title to have a merchant mariner's document shall exhibit to the master or individual in charge a document issued to the individual, appropriately endorsed for the capacity in which the individual is to serve.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, § 404, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10306	46:643(c)

Section 10306 requires a seaman to exhibit an appropriately endorsed merchant mariner's document to the shipping commissioner before signing a shipping agreement. When a master acts as a shipping commissioner, the same procedure applies.

AMENDMENTS

1993—Pub. L. 103–206 substituted ''master or individual in charge'' for ''shipping commissioner''.

§ 10307. Posting agreements

At the beginning of a voyage, the master shall have a legible copy of the agreement required by section 10302 of this title, omitting signatures, exhibited in a part of the vessel accessible to the crew.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, § 405, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10307	46:577

Section 10307 requires the master to post a copy of the shipping agreement in a part of the vessel accessible to the crew prior to the commencement of a voyage. The posting must be done in a manner that gives seamen adequate notice of the particulars of the pending voyage.

AMENDMENTS

1993—Pub. L. 103–206 struck out at end ''A master violating this section is liable to the United States Government for a civil penalty of $100.''

§ 10308. Foreign engagements

When a seaman is engaged outside the United States, the agreement required by section 10302 of this title shall be signed in the presence of a consular officer. If a consular officer is not available at the port of engagement, the seaman may be engaged, and the agreement shall be signed in the next port at which a consular officer is available.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, § 406, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10308	46:570

Section 10308 requires that shipping agreements made in foreign ports be signed in the presence of a consular officer. The penalty for violation of this section is $100.

AMENDMENTS

1993—Pub. L. 103–206 struck out ''(a)'' before ''When a seaman'' and struck out subsec. (b) which read as follows: ''A master engaging a seaman in violation of this section is liable to the United States Government for a civil penalty of $100. The vessel also is liable in rem for the penalty.''

§ 10309. Engaging seamen to replace those lost by desertion or casualty

(a) If a desertion or casualty results in the loss of at least one seaman, the master shall engage, if obtainable, a number equal to the number of seamen of whose services the master has been deprived. The new seaman must have at least the same grade or rating as the seaman whose place the new seaman fills. The master shall report the loss and replacement to a consular officer at the first port at which the master arrives.

(b) 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, § 407, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10309	46:569

Section 10309 provides for the replacement of seamen lost by desertion or casualty. It does not apply to fishing vessels, whaling vessels, or yachts.