(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.