AMENDMENTS

1993—Subsecs. (b), (c). Pub. L. 103–206 redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: ''The master is liable to the United States Government for a civil penalty of $200 for each report not made. The vessel also is liable in rem for the penalty.''

§ 10310. Discharge

A master shall deliver to a seaman a full and true account of the seaman's wages and all deductions at least 48 hours before paying off or discharging the seaman.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 564; Pub. L. 103–206, title IV, § 408, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10310	46:641 46:642

Section 10310 requires the master of a vessel to give each seaman a full account of the seaman's wages 48 hours before discharge. The penalty for violation is $50.

AMENDMENTS

1993—Pub. L. 103–206 struck out ''or a shipping commissioner'' after ''to a seaman'' and struck out at end ''A master failing to deliver the account is liable to the United States Government for a civil penalty of $50.''

§ 10311. Certificates of discharge

(a) On discharging a seaman and paying the seaman's wages, the master or individual in charge shall provide the seaman with a certificate of discharge. The form of the certificate shall be prescribed by regulation. It shall contain—

(1) the name of the seaman;

(2) the citizenship or nationality of the seaman;

(3) the number of the seaman's merchant mariner's document;

(4) the name and official number of the vessel;

(5) the nature of the voyage (foreign, intercoastal, or coastwise);

(6) the propulsion class of the vessel;

(7) the date and place of engagement;

(8) the date and place of discharge; and

(9) the seaman's capacity on the voyage.

(b) The certificate of discharge may not contain a reference about the character or ability of the seaman. The certificate shall be signed by the master and the seaman.

(c) A certificate of discharge may not be issued if the seaman holds a continuous discharge book. The entries shall be made in the discharge book in the same manner as the entries required by subsection (a) of this section.

(d)(1) A record of each discharge shall be maintained by the owner, charterer, managing operator, master, or individual in charge in the manner and location prescribed by regulation. The records may not be open for general or public use or inspection.

(2) A duplicate of a record of discharge shall be issued to a seaman at the request of the seaman.

(e) 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, § 409, Dec. 20, 1993, 107 Stat. 2436.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10311	46:643

Section 10311 requires a shipping commissioner, when discharging a seaman, either to provide the seaman with a certificate of discharge or to make an entry in the seaman's continuous discharge book. It requires that certain facts be included in the certificate or in the entry, prohibits other information from being included, and requires the Secretary to keep records of all discharges, copies of which must be furnished to seamen at cost upon request. These discharges are used to substantiate the nature and duration of the seaman's employment on a particular vessel. This section does not apply to fishing vessels, whaling vessels, or yachts.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–206, § 409(1), substituted ''master or individual in charge'' for ''shipping commissioner''.

Subsec. (b). Pub. L. 103–206, § 409(2), substituted ''by the master and the seaman'' for ''by the master, the seaman, and the shipping commissioner as witness''.

Subsec. (d)(1). Pub. L. 103–206, § 409(3), substituted ''owner, charterer, managing operator, master, or individual in charge'' for ''Secretary''.

Subsec. (d)(2). Pub. L. 103–206, § 409(4), substituted ''at the request of the seaman'' for ''at a cost prescribed by regulation''.

§ 10312. Settlements on discharge

When discharge and settlement are completed, the master, individual in charge, or owner and each seaman shall sign the agreement required by section 10302 of this title.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 565; Pub. L. 103–206, title IV, § 410, Dec. 20, 1993, 107 Stat. 2437.)

HISTORICAL AND REVISION NOTES

Revised section	*Source section (U.S. Code)*
10312(a), (b), (d)–(f)	46:644
10312(c)	46:652

Section 10312 outlines the procedures for settlements upon discharge and for settling disputes over seamen's wages and discharges.

AMENDMENTS

1993—Pub. L. 103–206 amended heading and text of section generally, substituting text consisting of sentence relating to signing agreements on discharge and settlement for former subsecs. (a) to (f) relating to such agreements, proceedings before shipping commissioners to settle disputes, certified copies of agreements, evidence of release of claims, and statements of wages paid.

§ 10313. Wages

(a) A seaman's entitlement to wages and provisions begins when the seaman begins work or when specified in the agreement required by section 10302 of this title for the seaman to begin work or be present on board, whichever is earlier.

(b) Wages are not dependent on the earning of freight by the vessel. When the loss or wreck of