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<br>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

the vessel ends the service of a seaman before the end of the period contemplated in the agreement, the seaman is entitled to wages for the period of time actually served. The seaman shall be deemed a destitute seaman under section 11104 of this title. This subsection applies to a fishing or whaling vessel but not a yacht.

(c) When a seaman who has signed an agreement is discharged improperly before the beginning of the voyage or before one month's wages are earned, without the seaman's consent and without the seaman's fault justifying discharge, the seaman is entitled to receive from the master or owner, in addition to wages earned, one month's wages as compensation.

(d) A seaman is not entitled to wages for a period during which the seaman—

(1) unlawfully failed to work when required, after the time fixed by the agreement for the seaman to begin work; or

(2) lawfully was imprisoned for an offense, unless a court hearing the case otherwise directs.

(e) After the beginning of the voyage, a seaman is entitled to receive from the master, on demand, one-half of the balance of wages earned and unpaid at each port at which the vessel loads or delivers cargo during the voyage. A demand may not be made before the expiration of 5 days from the beginning of the voyage, not more than once in 5 days, and not more than once in the same port on the same entry. If a master does not comply with this subsection, the seaman is released from the agreement and is entitled to payment of all wages earned. Notwithstanding a release signed by a seaman under section 10312 of this title, a court having jurisdiction may set aside, for good cause shown, the release and take action that justice requires. This subsection does not apply to a fishing or whaling vessel or a yacht.

(f) At the end of a voyage, the master shall pay each seaman the balance of wages due the seaman within 24 hours after the cargo has been discharged or within 4 days after the seaman is discharged, whichever is earlier. When a seaman is discharged and final payment of wages is delayed for the period permitted by this subsection, the seaman is entitled at the time of discharge to one-third of the wages due the seaman.

(g)(1) Subject to paragraph (2), when payment is not made as provided under subsection (f) of this section without sufficient cause, the master or owner shall pay to the seaman 2 days' wages for each day payment is delayed.

(2) The total amount required to be paid under paragraph (1) with respect to all claims in a class action suit by seamen on a passenger vessel capable of carrying more than 500 passengers for wages under this section against a vessel master, owner, or operator or the employer of the seamen shall not exceed ten times the unpaid wages that are the subject of the claims.

(3) A class action suit for wages under this subsection must be commenced within three years after the later of—

(A) the date of the end of the last voyage for which the wages are claimed; or

(B) the receipt, by a seaman who is a claimant in the suit, of a payment of wages that are the subject of the suit that is made in the ordinary course of employment.

(h) Subsections (f) and (g) of this section do not apply to a fishing or whaling vessel or a yacht.

(i) This section applies to a seaman on a foreign vessel when in a harbor of the United States. The courts are available to the seaman for the enforcement of this section.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 566; Pub. L. 99–640, § 10(b)(4), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 111–281, title IX, § 902(a)(1), Oct. 15, 2010, 124 Stat. 3008.)

HISTORICAL AND REVISION NOTES

| *Revised section* | *Source section (U.S. Code)* |
|---|---|
| 10313(a) | 46:591 |
| 10313(b) | 46:592 |
| | 46:593 |
| 10313(c) | 46:594 |
| 10313(d) | 46:595 |
| 10313(e)–(i) | 46:596 |
| | 46:597 |
| | 46:598 |

Section 10313 provides that a seaman's entitlement to wages begins when the seaman begins work, or as specified in the shipping agreement. This section also qualifies a seaman's entitlement to wages if the vessel is lost or wrecked, if the seaman is discharged improperly, or if the seaman unlawfully failed to work or was imprisoned. It also establishes procedures for the payment of wages at each port the vessel loads or unloads cargo, and at the end of the voyage. This section applies to seamen on foreign vessels in United States harbors, but not to fishing vessels, whaling vessels or yachts.

AMENDMENTS

2010—Subsec. (g). Pub. L. 111–281 designated existing provisions as par. (1), substituted ''(1) Subject to paragraph (2), when'' for ''When'', and added pars. (2) and (3).

1986—Subsec. (e). Pub. L. 99–640 struck out last sentence which read as follows: ''However, this subsection applies to a vessel taking oysters.''

Subsec. (h). Pub. L. 99–640 struck out last sentence which read as follows: ''However, subsections (f) and (g) apply to a vessel taking oysters.''

## § 10314. Advances

(a)(1) A person may not—

(A) pay a seaman wages in advance of the time when the seaman has earned the wages;

(B) pay advance wages of the seaman to another person; or

(C) make to another person an order, note, or other evidence of indebtedness of the wages, or pay another person, for the engagement of seamen when payment is deducted or to be deducted from the seaman's wage.

(2) A person violating this subsection is liable to the United States Government for a civil penalty of not more than $500. A payment made in violation of this subsection does not relieve the vessel or the master from the duty to pay all wages after they have been earned.

(b) A person demanding or receiving from a seaman or an individual seeking employment as a seaman, remuneration for providing the seaman or individual with employment, is liable to the Government for a civil penalty of not more than $500.

(c) This section applies to a foreign vessel when in waters of the United States. An owner,