Section 10506 permits deductions to be made from wages of seamen on coastwise voyages if the deductions are to be used for the benefit of the seamen or their families.


§ 10508. General penalties

(a) A master who carries a seaman on a voyage without first making the agreement required by section 10502 of this title shall pay to the seaman the highest wage that was paid for a similar voyage within the 3 months before the time of engagement at the port or place at which the seaman was engaged. A seaman who has not signed an agreement is not bound by the applicable regulations, penalties, or forfeitures.

(b) A master engaging a seaman in violation of this chapter or a regulation prescribed under this chapter is liable to the United States Government for a civil penalty of not more than $5,000. The vessel also is liable in rem for the penalty.


§ 10509. Penalty for failing to begin voyage

(a) A seaman who fails to be on board at the time contained in the agreement required by section 10502 of this title, without having given 24 hours’ notice of inability to do so, shall forfeit, for each hour’s lateness, one-half of one day’s pay to be deducted from the seaman’s wages if the lateness is recorded in the official logbook on the date of the violation.

(b) A seaman who does not report at all or subsequently deserts forfeits all wages.

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


(Historical and Revision Notes)

This section provides for a reduction in the wages of seamen who arrive late for voyages, if their late arrival is noted in the official logbook. It does not apply to fishing vessels, whaling vessels or yachts.

CHAPTER 106—FISHING VOYAGES

Sec.

10601. Fishing agreements.

10602. Recovery of wages and shares of fish under agreement.

10603. Seaman’s duty to notify employer regarding illness, disability, and injury.

§ 10601. Fishing agreements

(a) Before proceeding on a voyage, the owner, charterer, or managing operator, or a representative thereof, including the master or individual in charge, of a fishing vessel, fish processing vessel, or fish tender vessel shall make a fishing agreement in writing with each seaman employed on board if the vessel is—

(1) at least 20 gross tons as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title; and

(2) on a voyage from a port in the United States.

(b) The agreement shall—

(1) state the period of effectiveness of the agreement;

(2) include the terms of any wage, share, or other compensation arrangement peculiar to the fishery in which the vessel will be engaged during the period of the agreement; and

(3) include other agreed terms.


(Historical and Revision Notes)

Amendments

2002—Subsec. (a). Pub. L. 107–295, §441(a), (b)(1), in introductory provisions, inserted “owner, charterer, or managing operator, or a representative thereof, including the” after “on a voyage, the” and comma after “individual in charge” and substituted “employed” for “employed”.

Subsecs. (b), (c), (Pub. L. 107–295, §441(b)(2), (3), redesignated subsec. (c) as (b) and struck out former subsec. (b) which read as follows: “The agreement shall be signed also by the owner of the vessel.”

1996—Subsec. (a)(1). Pub. L. 104–324 inserted “as measured under section 14502 of this title, or an alternate tonnage measured under section 14302 of this title as prescribed by the Secretary under section 14104 of this title” after “20 gross tons”.

Agreements Deemed Compliant

§ 10602

RECOVERY OF WAGES AND SHARES OF FISH UNDER AGREEMENT

(a) When fish caught under an agreement under section 10601 of this title are delivered to the owner of the vessel for processing and are sold, the vessel is liable in rem for the wages and shares of the proceeds of the seamen. An action under this section must be brought within six months after the sale of the fish.

(b) (1) In an action under this section, the owner shall produce an accounting of the sale and division of proceeds under the agreement. If the owner fails to produce the accounting, the vessel is liable for the highest value alleged for the shares.

(2) The owner may offset the value of general supplies provided for the voyage and other supplies provided the seaman bringing the action.

(c) This section does not affect a common law right of a seaman to bring an action to recover the seaman’s share of the fish or proceeds.

(Pub. L. 100–424, § 6(a), Sept. 9, 1988, 102 Stat. 1592.)

HISTORICAL AND REVISION NOTES

Revised section

Source section (U.S. Code)

10602 ............................................ 46:534, 534

§ 10603

SEAMAN’S DUTY TO NOTIFY EMPLOYER REGARDING ILLNESS, DISABILITY, AND INJURY

(a) A seaman on a fishing vessel, fish processing vessel, or fish tender vessel shall notify the master or individual in charge of the vessel or other agent of the employer regarding any illness, disability, or injury suffered by the seaman when in service to the vessel not later than seven days after the date on which the illness, disability, or injury arose.

(b) The Secretary shall prescribe regulations requiring that each fishing vessel, fish processing vessel, and fish tender vessel shall have on board a placard displayed in a prominent location accessible to the crew describing the seaman’s duty under subsection (a) of this section.

(Pub. L. 100–424, § 6(a), Sept. 9, 1988, 102 Stat. 1592.)

HISTORICAL AND REVISION NOTES

Revised section

Source section (U.S. Code)

10603 ............................................ New

CHAPTER 107—EFFECTS OF DECEASED SEAMEN

Sec.

10701. Application.

10702. Duties of masters.

10703. Procedures of masters.