

fense was committed in port and the offender is still on the vessel—

- (1) the entry shall be read to the offender;
- (2) the offender shall be given a copy; and
- (3) the offender shall be given the opportunity to reply.

(c) After subsection (b) of this section has been complied with, an entry shall be made in the official logbook—

- (1) stating that the entry about the offense was read and a copy provided to the offender;
- (2) stating the offender’s reply;
- (3) signed by the master; and
- (4) signed by the chief mate or another seaman.

(d) In a subsequent legal proceeding, if the entries required by this section are not produced or proved, the court may refuse to receive evidence of the offense.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 583.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11502	46:702

Section 11502 describes the manner in which offenses must be recorded in the official logbook, and the use of the records by the court.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 11301 of this title.

§ 11503. Duties of consular officers related to insubordination

(a) A consular officer shall use every means to discountenance insubordination on vessels of the United States, including employing the aid of local authorities.

(b) When a seaman is accused of insubordination, a consular officer shall inquire into the facts and proceed as provided in section 11106 of this title. If the consular officer discharges the seaman, the officer shall endorse the agreement required by this part and enter in the vessel’s official logbook the cause and particulars of the discharge.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 583.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11503	46:703

Section 11503 delegates to consular officers certain responsibilities related to insubordination of seamen on United States vessels.

§ 11504. Enforcement of forfeitures

When an offense by a seaman also is a criminal violation, it is not necessary that a criminal proceeding be brought to enforce a forfeiture.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11504	46:705

Section 11504 provides that when a seaman has committed a criminal offense, a forfeiture may be enforced through civil proceedings.

§ 11505. Disposal of forfeitures

(a) Money, property, and wages forfeited under this chapter for desertion may be applied to compensate the owner or master of the vessel for expenses caused by the desertion. The balance shall be transferred to the appropriate district court of the United States when the voyage is completed.

(b) If it appears to the district court that the forfeiture was imposed properly, the property transferred may be sold in the same manner prescribed for the disposition of the property of deceased seamen. The court shall deposit in the Treasury as miscellaneous receipts the proceeds of the sale and any money and wages transferred to the court.

(c) When an owner or master fails to transfer the balance as required under subsection (a) of this section, the owner or master is liable to the United States Government for a civil penalty of 2 times the amount of the balance, recoverable by the Secretary in the same manner that seaman’s wages are recovered.

(d) In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the owner of the vessel.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 584; Pub. L. 103–206, title IV, §421, Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11505	46:706

Section 11505 provides for the disposal of wages forfeited by deserting seamen.

AMENDMENTS

1993—Subsec. (a). Pub. L. 103–206, §421(1), substituted “The balance shall be transferred to the appropriate district court of the United States when the voyage is completed.” for “The balance shall be transferred to the Secretary when the voyage is completed, as prescribed by the Secretary.”

Subsec. (b). Pub. L. 103–206, §421(2), struck out at beginning “Within one month of receiving the balance under subsection (a) of this section, the Secretary shall transfer the balance to the appropriate district court of the United States.”

§ 11506. Carrying sheath knives

A seaman in the merchant marine may not wear a sheath knife on board a vessel without the consent of the master. The master of a vessel of the United States shall inform each seaman of this prohibition before engagement. A master failing to advise a seaman is liable to the United States Government for a civil penalty of \$50.

(Pub. L. 98–89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
11506	46:710

Section 11506 prohibits a merchant seaman from carrying a sheath knife without permission of the master, and penalizes a master who does not advise a seaman of this provision.

§ 11507. Surrender of offending officers

When an officer of a vessel of the United States (except the master) has violated section 2191 of title 18, and the master has actual knowledge of the offense or if complaint is made within 3 days after reaching port, the master shall surrender the offending officer to the proper authorities. If the master fails to use diligence to comply with this section and the offender escapes, the owner, the master, and the vessel are liable for damages to the individual unlawfully punished.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 584.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 11507, 46:712

Section 11507 requires a master of a vessel of the United States to surrender to the proper authorities any officer who has violated section 2191 of title 18 (which provides a penalty for cruelty to seamen by officers), and penalizes the master for noncompliance.

PART H—IDENTIFICATION OF VESSELS

PART REFERRED TO IN OTHER SECTIONS

This part is referred to in section 2101 of this title.

CHAPTER 121—DOCUMENTATION OF VESSELS

Table with 2 columns: Sec., Description. Rows include 12101-12124 with descriptions of definitions, certificates, and documentation procedures.

AMENDMENTS

2002—Pub. L. 107-295, title IV, § 422(b)(2), Nov. 25, 2002, 116 Stat. 2125, added item 12103a.
1998—Pub. L. 105-383, title IV, § 401(b), Nov. 13, 1998, 112 Stat. 3425, added item 12124.
1996—Pub. L. 104-324, title VII, § 746(a)(2), title XI, § 1115(b)(1), Oct. 19, 1996, 110 Stat. 3943, 3972, struck out item 12107 "Great Lakes endorsements" and struck out item 12123 "Denial and revocation of endorsements" appearing first.
1992—Pub. L. 102-587, title V, § 5213(b), Nov. 4, 1992, 106 Stat. 5077, added item 12123.
Pub. L. 102-388, title III, § 348(c)(2), Oct. 6, 1992, 106 Stat. 1554, added item 12123.
1990—Pub. L. 101-595, title VI, § 603(8), Nov. 16, 1990, 104 Stat. 2993, which directed the amendment of the chapter analysis of title 46 was executed to the chapter

analysis of this chapter to reflect the probable intent of Congress by striking out items 12113 "Ports of documentation", 12114 "Home ports", 12115 "Names of vessels", 12116 "Numbers, signal letters, and identification markings", 12118 "Registration of funnel marks and house flags", and 12121 "Regulations".

1989—Pub. L. 101-225, title III, § 301(a)(12), Dec. 12, 1989, 103 Stat. 1922, inserted "endorsements" in item 12105, substituted "endorsements" for "licenses and registry" in items 12106, 12107, and 12108, and substituted "endorsements" for "vessel licenses" in item 12109.

1988—Pub. L. 100-710, title I, § 103(b), Nov. 23, 1988, 102 Stat. 4749, substituted "Surrender and invalidation" for "Invalidation" in item 12111.

Pub. L. 100-239, § 3(1), Jan. 11, 1988, 101 Stat. 1778, substituted "Definitions and related" for "Related" in item 12101.

1985—Pub. L. 99-36, § 1(a)(7)(A), May 15, 1985, 99 Stat. 67, substituted "Recreational" for "Pleasure" in item 12109.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2101, 3316, 3703a, 14301, 14304, 14501, 14504, 30101, 31322, 31325, 31329, 31343, 53101, 53102, 53105, 70108 of this title; sections 146, 292, 808, 808a, 1187, 1187a, 1187c, 1903 of Appendix to this title; title 7 section 1638a; title 15 section 1175; title 16 sections 1802, 2432, 4714, 5502; title 19 sections 128, 131, 3203; title 40 section 558.

§ 12101. Definitions and related terms in other laws

(a) In this chapter—

(1) "fisheries" includes processing, storing, transporting (except in foreign commerce), planting, cultivating, catching, taking, or harvesting fish, shellfish, marine animals, pearls, shells, or marine vegetation in the navigable waters of the United States or in the exclusive economic zone.

(2) "rebuilt" has the same meaning as in the second proviso of section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883).

(b) When used in a law, regulation, document, ruling, or other official act referring to the documentation of a vessel—

(1) "certificate of registry", "register", and "registry" mean a registry endorsement as provided in section 12105 of this title.

(2) "license", "enrollment and license", "license for the coastwise (or coasting) trade", and "enrollment and license for the coastwise (or coasting) trade" mean a coastwise endorsement as provided in section 12106 of this title.

[(3) Repealed. Pub. L. 104-324, title XI, § 1115(b)(2), Oct. 19, 1996, 110 Stat. 3972.]

(4) "yacht" means a recreational vessel even if not documented.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 585; Pub. L. 98-364, title IV, § 402(16), July 17, 1984, 98 Stat. 450; Pub. L. 99-36, § 1(a)(7)(B), May 15, 1985, 99 Stat. 67; Pub. L. 100-239, § 3(2), (3), Jan. 11, 1988, 101 Stat. 1778; Pub. L. 101-225, title III, § 301(a)(1), Dec. 12, 1989, 103 Stat. 1920; Pub. L. 104-324, title XI, § 1115(b)(2), Oct. 19, 1996, 110 Stat. 3972.)

HISTORICAL AND REVISION NOTES

Table with 2 columns: Revised section, Source section (U.S. Code). Row 1: 12101, 46:65w

Section 12101 defines the types of certificates of documentation that are used in this chapter, and in other