

§ 10505. 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 \$5,000. 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 \$5,000.

(c) The owner, charterer, managing operator, agent, or master of a vessel seeking clearance from a port of the United States shall present the agreement required by section 10502 of this title at the office of clearance. Clearance may be granted to a vessel only if this section has been complied with.

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

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571; Pub. L. 99-640, §10(b)(4), Nov. 10, 1986, 100 Stat. 3550; Pub. L. 103-206, title IV, §414, Dec. 20, 1993, 107 Stat. 2437.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10505 .....	46:598 46:599

Section 10505 prohibits any person from paying a seaman on a coastwise voyage advance wages, or to pay to another person any form of a seaman's wages prior to the commencement of the seaman's employment. It also prohibits a person from seeking or receiving remuneration for providing a seaman with employment. This section also requires that a vessel comply with this section before clearing port. It provides penalties for offenses of its provisions. The section does not apply to fishing vessels, whaling vessels, or yachts, but does apply to vessels taking oysters.

Editorial Notes

AMENDMENTS

1993—Subsec. (a)(2). Pub. L. 103-206, §414(1), substituted "\$5,000" for "\$100".

Subsec. (b). Pub. L. 103-206, §414(2), substituted "\$5,000" for "\$500".

1986—Subsec. (d). Pub. L. 99-640 struck out last sentence which read as follows: "However, this section applies to a vessel taking oysters."

§ 10506. Trusts

Section 10505 of this title does not prevent an employer from making deductions from the wages of a seaman, with the written consent of the seaman, if—

- (1) the deductions are paid into a trust fund established only for the benefit of seamen em-

ployed by that employer, and the families and dependents of those seamen (or of those seamen, families, and dependents jointly with other seamen employed by other employers, and the families and dependents of the other seamen); and

(2) the payments are held in trust to provide, from principal or interest, or both, any of the following benefits for those seamen and their families and dependents:

- (A) medical or hospital care, or both.
- (B) pensions on retirement or death of the seaman.
- (C) life insurance.
- (D) unemployment benefits.
- (E) compensation for illness or injuries resulting from occupational activity.
- (F) sickness, accident, and disability compensation.
- (G) purchasing insurance to provide any of the benefits specified in this section.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10506 .....	46:599

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.

§ 10507. Repealed. Pub. L. 103-206, title IV, § 415(a), Dec. 20, 1993, 107 Stat. 2438]

Section, Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 571, related to duties of shipping commissioners.

§ 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.

(Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 572; Pub. L. 103-206, title IV, §416, Dec. 20, 1993, 107 Stat. 2438.)

HISTORICAL AND REVISION NOTES

<i>Revised section</i>	<i>Source section (U.S. Code)</i>
10508 .....	46:575

Section 10508 provides for a fair wage to be paid to a seaman who was engaged without a shipping agreement, and also exempts the seaman under certain conditions from applicable regulations, penalties or forfeitures. It also provides a penalty for violation of its provisions.