

**TITLE 47 – MARITIME
CHAPTER 8 - MERCHANT SEAFARERS**



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

MERCHANT SEAFARERS ACT

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MERCHANT SEAFARERS ACT

AN ACT to govern generally, the rights, duties, responsibilities and treatment of merchant seafarers (Rev2003).[The Legislation in this Chapter 8 was previously codified as Part X of 34 MIRC 3]

<i>Commencement:</i>	<i>September 13, 1990</i>
<i>Source:</i>	<i>P.L. 1990-92</i>
<i>Amended By:</i>	<i>P.L. 2000-8 P.L. 2001-27 P.L. 2009-16</i>
	<i>P.L. 2009-33 P.L. 2013-7 P.L. 2013-9</i>

PART I - GENERAL

§801. Short title.

This Chapter may be cited as the Merchant Seafarers Act. [Short title supplied by Reviser during the recodification of the original Act.]

§802. Application.

- (1) The rights and obligations of every person employed on any vessel registered under this Title, and any person employing such person shall, with respect to terms and conditions of employment and other matters relating to employment and the internal order of such vessel, be governed by this Chapter.
- (2) The provisions of this Chapter shall not apply to:
 - (a) persons employed solely in ports in repairing, cleaning, stevedoring and loading or unloading the vessels;

- (b) persons employed on private yachts; and
- (c) pilots. [P.L. 1990-92, §150; P.L.2001-27, §802]

§803. Definitions.

For the purpose of this Chapter, the following expressions have the meaning hereby assigned to them:

- (a) “**Master**” means any person having command of a vessel;
- (b) “**seafarer(s)**” means any or all members of the crew and officers other than the Master and pilots, employed or engaged in any capacity on board any vessel;
- (c) “**crew**” means collectively the persons, other than officers and the Master, serving in any capacity on board a vessel;
- (d) “**shipowner**” includes the charterer of any vessel where he mans, victuals and navigates such vessel at his own expense or by his own procurement;
- (e) “**vessel**” means any vessel registered under this Title;
- (f) “**fishing vessel**” means a decked vessel used for catching fish, whales, seals, walrus and other living creatures at sea;
- (g) “**processing vessel**” means a vessel used exclusively for processing fish and other living resources of the sea;
- (h) “**foreign trade**” means trade between foreign countries or between the Republic and foreign countries;
- (i) “**domestic commerce**” means any vessel exclusively engaged in coastwise trade or transportation between atolls, islands and/or ports within the waters of the Republic;
- (j) “**overriding operational conditions**”, in the context of hours of rest, means essential shipboard work which cannot be delayed for safety reasons and which could not reasonably have been anticipated at the commencement of a voyage; and
- (k) “**accommodations**” means sleeping rooms; mess rooms; sanitary, hospital, recreation, store room and catering accommodations provided for the use of seafarers and the Master but does not include any accommodation which is also used by or provided for the use of passengers. [P.L. 1990-92, §151; P.L. 2001-27, §803. Additional definitions for clarification.]

§804. Full complement required.

A vessel of the Republic shall not be navigated unless it has in its service and on board such complement of officers and crew as is necessary for safe navigation. The Maritime Administrator may, from time to time, make such Rules and Regulations as are deemed by him necessary and appropriate to ensure compliance with this requirement. [P.L. 1990-92, §152.]

§805. Officers' licenses.

Except when prevented by force majeure, all officers of vessels of the Republic subject to compliance with the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time, shall obtain licenses to fill their relative positions from the Maritime Administrator authorized to issue licenses. [P.L. 1990-92, §153; P.L. 2001-27, §805.]

§806. Penalty for misuse of licenses or certificates.

Any person who shall receive or shall have in his possession any Republic license, certificate or document issued to officers or crew by the Maritime Administrator, or any certificate or document issued pursuant to Chapter 9 of this Title, to which he is not lawfully entitled, or any false license, certificate or document, with intent to use the same unlawfully; or who without lawful authority shall alter or change any genuine license, certificate or document; or who shall in any manner transfer or arrange for the transfer of any such license, certificate or document; or who shall aid or abet the perpetration of any of the foregoing acts shall, for each offense, be liable to a fine of not more than ten thousand dollars (US\$10,000), or imprisonment for not more than one (1) year, or both, and forfeit the right to continued possession of or any future seafarer certification and documentation for service aboard vessels of the Republic. [P.L. 1990-92, §154; P.L. 2001-27, §806.]