

TITLE 7

ADMIRALTY AND MARITIME

Chapter 1

Vessels

Subchapter I

Registration

§ 101. Registration required.

§ 102. Local vessels permitted.

§ 103. Eligibility for registration or reregistration under this chapter; international trade prohibited.

§ 104. Applications.

§ 105. Registration number.

§ 106. Reregistration.

§ 107. Fees.

§ 108. Flag to be flown by registered vessels.

§ 101. Registration required.

No vessel measuring 25 feet or more at the water line when empty of cargo and passengers, and propelled in whole or in part by mechanical or electrical power or sail shall be granted a license, grant, or other express permit for the purpose of operation in any territorial waters of the Republic, unless the same shall be under the registry of a sovereign state, or under the registry of the Republic in accordance with the requirements of this chapter.

Source

19 TTC § 1(1), modified.

Cross-reference

For constitutional provision describing the territory of the Republic of Palau, see ROP Const., Art. I, § 1.

Notes

Kodang v. Trust Territory, 5 TTR 581 (1971).

§ 102. Local vessels permitted.

Express permission is hereby granted to persons residing in the Republic to operate within the territorial waters of the Republic:

- (a) outrigger vessels of all kinds;
- (b) vessels propelled by outboard motors; and

(c) vessels measuring less than 25 feet at the water line when empty of cargo and passengers, and which are not used either to carry cargo or passengers for hire or for travel outside the Republic.

Source

19 TTC § 1(2), modified.

Cross-reference

For constitutional provision describing the territory of the Republic of Palau, see ROP Const., Art. I, § 1.

Notes

Kodang v. Trust Territory, 5 TTR 581 (1971).

§ 103. Eligibility for registration or reregistration under this chapter; international trade prohibited.

(a) Only those vessels belonging wholly to:

(1) citizens of the Republic (not including corporations organized and chartered under law, unless the corporation is wholly owned and controlled by citizens of the Republic), or

(2) persons who were residents of the Republic prior to December 7, 1941 and who have continuously remained residents since that date shall be eligible for registration or reregistration under this chapter.

(b) No vessel registered hereunder shall engage in international trade unless specifically authorized by license issued pursuant to section 123 of this chapter after consultation with and direction by the President or his duly authorized representative; provided that, should an occasion arise wherein the interests of the Republic cannot be adequately served by the use of vessels registered elsewhere, the President or his duly authorized representative may authorize the registration of vessels owned by persons or corporations other than those set forth in this section.

Source

19 TTC § 1(3), modified.

§ 104. Applications.

(a) The owner or person in control of any vessel not registered elsewhere desiring to operate it within the territorial waters of the Republic shall make written application for the registration or reregistration thereof to the President or his duly authorized representative at Malakal Harbor.

(b) The application to be made by the owner or person in control of such vessel shall state the following:

- 1) name and address of the owner of such vessel;
- 2) home port of vessel;
- 3) purpose for which vessel is operating;
- 4) tonnage and general dimensions of vessel;
- 5) type and power of the engine and the kind of fuel used (if steam, the type of boiler);
- 6) capacity of vessel as to cargo and passengers; and
- 7) cruising radius of vessel.

Source

19 TTC § 2, designation of other harbors outside of the Republic omitted and section modified.

§ 105. Registration number.

Upon being satisfied that the statements set forth in the application are true, the President or his duly authorized representative shall cause to be registered, in a book to be kept for that purpose, the vessel described in the application. The President or his duly authorized representative shall also give to the applicant a registration number and certificate bearing the signature of the President or his duly authorized representative and setting forth the registration number assigned to the vessel together with a statement of pertinent facts as set forth in the application. Such registration number shall be displayed in a conspicuous place on both sides of the vessel. A copy of the certificate of registration shall be recorded and indexed by the Director of the Bureau of Public Safety in accordance with regulations issued by the President or his duly authorized representative.

Source

(Code 1966, § 832.) 19 TTC § 3, modified.

§ 106. Reregistration.

A vessel registered under this chapter shall be registered at the end of each year, computed from the date of original registration. Registration is required whenever there is a change of ownership or a change in the method of propelling such vessel, so as to indicate the change of the name of the owner or a change in the method of propelling the vessel. The registration may be under the original number.

Source

(Code 1966, § 833.) 19 TTC § 4.

§ 107. Fees.

There shall be paid to the President or his duly authorized representative for the original registration of a vessel the sum of \$10.00, and for each registration the sum of \$5.00. All such fees collected by the President or his representative shall be remitted to the National Treasury.

Source

(Code 1966, § 834.) 19 TTC § 5, modified.

Cross-reference

For constitutional provision requiring that all revenues from taxes and other sources be deposited in the appropriate treasury, see ROP Const., Art. XII, § 1.

§ 108. Flag to be flown by registered vessels.

All vessels registered and licensed in accordance with the provisions of this chapter shall fly the flag of the Republic.

Source

(Code 1966, § 835.) 19 TTC § 6, modified.

Cross-reference

For statutory provisions on the official description and display of the Republic's flag, see chapter 5 of Title 1.

Subchapter II

Board of Marine Inspectors

§ 121. Ministry of Commerce and Trade; supervision of vessels.

§ 122. Same; inspection of vessels.

§ 123. Same; licensing of vessels; types of vessels subject to examination and licensing.

§ 124. Licensing of master and engineer.

§ 125. Complement of officers and crew.

§ 126. Delegation of authority of Division.

§ 121. Ministry of Commerce and Trade; supervision of vessels.

The Ministry of Commerce and Trade shall have general supervision over all vessels operating in the territorial waters of the Republic pursuant to the provisions of this title. It shall prescribe and publish all needful rules and regulations for the enforcement of the provisions of this title. The Ministry shall fix and collect reasonable fees for all inspections, examinations and licenses made, given or issued pursuant hereto. All fees so collected shall be remitted to the National Treasury.

Source

(Code 1966, § 850.) 19 TTC § 51, modified. Amended by RPPL 5-7 § 34(5) on 10/3/97, effective 10/1/97. RPPL 5-7 § 34(5) was repealed by RPPL 5-8 § 11 on 11/5/97 "to reinstate the Board of Marine Inspectors." Amended by RPPL 5-15 § 29 (a), effective 10/1/98.

§ 122. Same; inspection of vessels.

(a) At least once in every year, and as often as may be deemed necessary, the Ministry shall carefully inspect the hull of each vessel licensed or to be licensed to operate in the territorial waters of the Republic pursuant to the provisions of this title.

(b) The Ministry shall satisfy itself that every such vessel has the structure and suitable engine power and accommodations for passengers commensurate with the service in which she is employed, and that in general the vessel is in a condition to warrant belief that she may be used in navigation as a vessel with safety to life and cargo.

(c) If, in the opinion of the Ministry, the vessel is found unsatisfactory in any particular, the Ministry may in its discretion forbid her further operation until the fault is corrected. If the fault is not corrected, the Ministry may within a reasonable time revoke the license of such vessel. The foregoing provisions applicable to the examination of a vessel already licensed shall also be applicable to the examination of a vessel applying for its first license. The Ministry may not issue a license to such vessel if her condition or equipment is such as would warrant the Ministry to forbid her further operation or revoke her license were she already licensed.

Source

19 TTC § 52, last sentence of § 52 moved to § 123(a) below and section modified. Amended by RPPL 5-7 § 34(5) on 10/3/97, effective 10/1/97. RPPL 5-7 § 34(5) was repealed by RPPL 5-8 § 11 on 11/5/97 “to reinstate the Board of Marine Inspectors.” Subsections (a), (b) and (c) amended by RPPL 5-15 § 29(b).

§ 123. Same; licensing of vessels; types of vessels subject to examination and licensing.

(a) Licenses when issued shall specify the number of passengers and the quantity of freight, if any, to be carried. Copies of licenses issued by the Ministry shall be filed and indexed and shall be available for public inspection.

(b) The Ministry shall determine and publish the types and classes of vessels properly subject to examinations and licensing and shall issue licenses for the operation of such vessels, make examinations of vessels applying for such license and keep a record of its examinations and licensing determinations. The Ministry shall file a copy of its determinations of the types and classes of vessels subject to examination and licensing with the Clerk of Courts.

Source

19 TTC § 53, first sentence of subsection (a) is taken from last sentence of 19 TTC § 52 and section modified. Amended by RPPL 5-7 § 34(5) on 10/3/97, effective 10/1/97. RPPL 5-7 § 34(5) was repealed by RPPL 5-8 § 11 on 11/5/97 “to reinstate the Board of Marine Inspectors.” Subsections (a) and (b) amended by RPPL 5-15 § 29(c).

§ 124. Licensing of master and engineer.

(a) The Ministry shall make such rules and regulations as it may deem necessary concerning the examination and licensing of masters and engineers and the complement of licensed officers and crew of vessels licensed to operate within the waters of the Republic pursuant to this title.

(b) No person may operate as the master or engineer of any vessel engaged in inter-island traffic in the Republic until or unless he has been duly licensed under such rules and regulations as the Ministry may provide.

Source

(Code 1966, § 853.) 19 TTC § 54, divided into two sections and modified. Amended by RPPL 5-7 § 34(5) on 10/3/97, effective 10/1/97. RPPL 5-7 § 34(5) was repealed by RPPL 5-8 § 11 on 11/5/97 “to reinstate the Board of Marine Inspectors.” Subsections (a) and (b) are amended by RPPL 5-15 § 29(d).

§ 125. Complement of officers and crew.

No vessel operated under this title may depart from any port, harbor or island in the Republic unless she has in her service and on board such complement of licensed officers and crew as is specified by the Ministry.

Source

19 TTC § 54, divided into two sections and modified. Amended by RPPL 5-7 § 34(5) on 10/3/97, effective 10/1/97. RPPL 5-7 § 34(5) was repealed by RPPL 5-8 § 11 on 11/5/97 “to reinstate the Board of Marine Inspectors.” Amended by RPPL 5-15 § 29(e).

§ 126. Delegation of authority of Division.

The Ministry may delegate any of its authorities or duties set forth in this subchapter.

Source

(Code 1966, § 854.) 19 TTC § 55. Amended by RPPL 5-7 § 34(5) on 10/3/97, effective 10/1/97. RPPL 5-7 § 34(5) was repealed by RPPL 5-8 § 11 on 11/5/97 “to reinstate the Board of Marine Inspectors.” Amended by RPPL 5-15 § 29(f).

Chapter 2

Regulation and Control of Shipping

§ 201. Definitions.

§ 202. Permission to enter territorial waters.

§ 203. Innocent passage.

§ 204. Examination of unlicensed vessels.

§ 205. Examination of hovering vessels.

§ 206. Unlawful acts.

§ 207. Penalty for violations; seizure and forfeiture of vessel.

§ 201. Definitions.

In this chapter:

(a) “Hovering vessel” means any unlicensed vessel which is found or kept off any island, islet, atoll, or reef of the Republic, within the territorial waters of the Republic, if, from the history, conduct, character, or location of the vessel, it is reasonable to believe that such vessel is being used or may be used to violate any of the provisions of this chapter or any law or regulation of the Republic.

(b) “Innocent passage” means navigation through territorial waters for the purpose either of traveling it bona fide en route from one point to another on the usual course for such travel, wind and weather permitting, without entering inland waters, or of proceeding to inland waters at a point of entry, or of making for the high sea from inland waters, and includes stopping or anchoring only if incidental to ordinary navigation or in an emergency.

(c) “Territorial waters” means the waters of the territorial sea as defined and described in section 142 of Title 27 of this Code.

(d) “Unlicensed vessel” means any vessel not operating under license, grant or express permission of the President, except outrigger vessels of all kinds and vessels propelled by outboard motors.

Source

(Code 1966, § 874.) 19 TTC § 101, terms put in alphabetical order and section modified.

§ 202. Permission to enter territorial waters.

Except for innocent passage, stress of weather or force majeure, it shall be unlawful for any unlicensed vessel to enter or remain within the territorial waters of the Republic without first receiving permission therefore from the President in accordance with provisions of Title 13 of this Code, and regulations issued pursuant thereto.

Source

(Code 1966, § 875.) 19 TTC § 102, modified.

Cross-reference

Title 13 is the Citizenship and Immigration title of this Code.

Notes

Superluck Enterprises, Inc. v. ROP, 4 ROP Intrm. 290, 294 (Tr. Div. 1994).

ROP v. M/V Aesarea, 1 ROP Intrm. 429 (1988).

§ 203. Innocent passage.

Nothing in this chapter shall be construed as limiting the right of innocent passage through the territorial waters of the Republic. Passage is not innocent when any vessel makes use of the territorial waters of the Republic for the purpose of doing any act prejudicial to the security, public policy or economic interests of the Republic.

Source

(Code 1966, § 876.) 19 TTC § 103, modified.

Cross-reference

ROP Const. art. I, § 4.

§ 204. Examination of unlicensed vessels.

The President or his duly authorized representative may at any time go on board any unlicensed vessel found within the territorial waters of the Republic, and if there is reason to suspect that such vessel is violating any laws or regulations of the Republic, the President or his representative may examine the manifest and other documents and papers, and inspect and search the vessel and every part thereof and any person, trunk, package, or cargo on board. To this end the President or his representative may hail and stop such vessel, and use all necessary force to compel compliance.

Source

(Code 1966, § 877.) 19 TTC § 104, modified.

§ 205. Examination of hovering vessels.

(a) Any hovering vessel found within the territorial waters of the Republic may at any time be boarded and examined by the President or his duly authorized representative. The President or his representative may examine, upon oath, the master or other person having the command or charge of such vessel respecting the cargo and voyage of the vessel and may also bring the vessel into the most convenient port of the Republic to examine the cargo. If the master or other person having the command or charge of such vessel refuses to comply with the lawful directions of the President or his representative, or does not truly answer such questions as are put to him respecting the vessel, its cargo, or voyage, he shall be liable as provided in section 207 of this chapter.

(b) If upon examination of any such vessel, its master, officers, crew members, passengers or cargo by any proper officer, sufficient evidence is found to satisfy the inspecting officer that any such person has been engaged in any unlawful act within the territorial waters of the Republic or is actively planning to engage in such unlawful act, the vessel and the persons so engaged shall be subject to the penalties provided by section 207 of this chapter or other applicable laws of the Republic.

Source

(Code 1966, § 878.) 19 TTC § 105, modified.

§ 206. Unlawful acts.

It shall be unlawful for any vessel to engage within the territorial waters of the Republic in fishing, the harvesting of trochus, or the removal of scrap iron or animal, vegetable, marine, or mineral resources without authorization by an officer or agent of the national government.

Source

(Code 1966, § 881.) 19 TTC § 106, modified.

Cross-reference

For statutory provisions regarding fishing, see Title 27; for statutory provisions regarding the harvesting and preservation of trochus and other protected sea life, see Chapter 12 of Title 24.

Notes

ROP v. M/V Aesarea, 1 ROP Intrm. 429, 437 (1988).

§ 207. Penalty for violations; seizure and forfeiture of vessel.

(a) If any owner, master, person, company, corporation, charterer, party to a charter agreement, or other person having command or charge of a vessel fails to comply with the provisions of this chapter, obstructs or interferes with the exercise of any powers conferred by this chapter, or engages in any unlawful act under this chapter, he shall be fined not more than \$50,000.00, or imprisoned not more than two years, or both.

(b) Any vessel involved in the commission of unlawful acts, together with her tackle, apparel, furniture, and equipment, shall be subject to seizure and forfeiture to the Republic as provided in chapter 3 of this title.

Source

(Code 1966, § 882; P.L. No. 7-27, § 1.) 19 TTC § 107, modified.

Notes

Superluck Enterprises, Inc. v. ROP, 4 ROP Intrm. 290, 293-94 (Tr. Div. 1994).

ROP v. M/V Aesarea, 1 ROP Intrm. 429 (1988).

ROP v. F/V Chang Tel Tung, (Criminal Case No. 44-85, Oct. 1985).

Trust Territory v. Kaneshima, 4 TTR 340 (1969).

Kodang v. Trust Territory, 5 TTR 581 (1971).

Chapter 3

Seizure and Forfeiture Procedures

§ 301. Seizure authorized.

§ 302. Report of seizure.

§ 303. Investigation and prosecution by Attorney General.

§ 304. Custody of vessel and equipment.

- § 305. Notice of libel.
- § 306. Filing of claims to vessel, equipment, and cargo.
- § 307. Forfeiture and sale; retention of vessel.
- § 308. Disposition of proceeds of sale.
- § 309. Judgment for return.
- § 310. Compromise of claims.

§ 301. Seizure authorized.

(a) The President or any person authorized by him to make seizures under this chapter, who has reasonable cause to believe that a vessel is subject to seizure for any violation hereof, may seize such vessel, together with her apparel, tackle, furniture and equipment.

(b) The authority granted in this section shall not bar an application to the Trial Division of the Supreme Court for a warrant of arrest of a vessel which has not been seized under this section.

Source

(Code 1966, § 883(a).) 19 TTC § 151, modified.

Notes

Trust Territory v. Kaneshima, 4 TTR 340 (1969).

§ 302. Report of seizure.

If the person making a seizure under this chapter is not the President, that person shall immediately report the seizure to the President. The President, whenever a seizure has been made by his authority under this chapter, shall advise the Attorney General of the seizure, and shall cause a report of the seizure to be issued. Included in the report shall be a statement of the names of any witnesses to the seizure.

Source

(Code 1966, § 883(b).) 19 TTC § 152, modified.

§ 303. Investigation and prosecution by Attorney General.

The Attorney General shall immediately inquire into the facts of the case reported to him by the President or other proper officer. If it appears probable that any forfeiture has been incurred by reason of such violation, the Attorney General shall forthwith cause a libel to be filed and prosecuted in the Trial Division of the Supreme Court for the condemnation and forfeiture of the vessel involved, together with her tackle, apparel, furniture and equipment. If, however, upon inquiry and examination the Attorney General decides that such libel cannot probably be sustained or that the ends of justice do not require that it should be instituted or prosecuted, he shall report the facts to the President for his direction in the premises.

Source

(Code 1966, § 883(c).) 19 TTC § 153, modified.

§ 304. Custody of vessel and equipment.

Any foreign vessel, together with her tackle, apparel, furniture and equipment, seized under this chapter shall be placed and remain in the custody of the President or his duly authorized representative, to await disposition according to this chapter.

Source

(Code 1966, § 883(d).) 19 TTC § 154, modified.

§ 305. Notice of libel.

After the filing of a libel under this chapter, the reputed owner of the vessel involved and any reputed holders of liens upon her shall be given due notice of the seizure and of the forfeiture proceedings in such manner as the court shall direct. However, no failure of such notice to reach the owner shall invalidate the proceedings, provided the vessel has been seized in accordance with this chapter or has been arrested under a warrant of arrest issued by the court.

Source

(Code 1966, § 883(e).) 19 TTC § 155, modified.

§ 306. Filing of claims to vessel, equipment, and cargo.

(a) Any person claiming a vessel seized under this chapter may, at any time within 45 days after seizure or arrest of the vessel, or such longer time, if any, as the court may allow, file in the Trial Division of the Supreme Court, a claim stating his interest therein. Upon filing of such claim the court shall, after such notice, if any, as it deems justice requires, proceed to adjudicate the interests in the vessel, together with her tackle, apparel, furniture and equipment, and determine whether they shall be condemned and forfeited.

(b) If the claimant is the owner or the person otherwise entitled to immediate possession of the vessel, he shall have the burden of proof to show that the violation occurred without his knowledge or without any negligence on his part. Upon satisfactory proof that the violation occurred without his knowledge or any negligence on his part, he shall be entitled to a return of said vessel, together with her tackle, apparel, furniture and equipment.

(c) If the claimant is a lien holder, he shall, upon satisfactory proof that the violation occurred without his knowledge or any negligence on his part, be entitled to have the amount of his lien determined and protected in the manner and to the extent the court determines justice requires, in any judgment entered under this chapter.

Source

(Code 1966, § 883(f); P.L. No. 7-17, § 1.) 19 TTC § 156, modified.

Notes

Trust Territory v. Hong Sen Ien, 6 TTR 52 (1972).
Trust Territory v. Len Che Ien No. 3, 6 TTR 50 (1972).

§ 307. Forfeiture and sale; retention of vessel

If, after due process of law, the court finds in favor of the libelant, the court shall condemn the vessel and declare her forfeited, together with her tackle, apparel, furniture and equipment. The court shall order the sale thereof at public auction or shall order the vessel forfeited to the President for the use of the Republic, subject in either case to such provisions as the court deems justice requires for the protection of liens which have been determined in accordance with section 306 of this chapter.

Source

(Code 1966, § 883(g).) 19 TTC § 157, modified.

Notes

Superluck Enterprises, Inc. v. ROP, 6 ROP Intrm. 267, 269 (1997).
Superluck Enterprises, Inc. v. ROP, 4 ROP Intrm. 290, 298 (Tr. Div. 1994).
ROP v. F/V Chang Tel Tung, (Criminal Case No. 44-85, Oct. 1985).
ROP v. M/V Aesarea, 1 ROP Intrm. 429 (App. 1988).
Trust Territory v. Kyoshin Maru No. 23, 4 TTR 452 (1969).

§ 308. Disposition of proceeds of sale.

The proceeds of the sale shall be disposed of as follows:

- (a) first shall be the payment of all proper expenses of the proceedings of forfeiture and sale, including expenses of seizure, maintaining the custody of the vessel, advertising and court costs;
- (b) next shall be the payment of liens to the extent that the court has determined they shall be protected in accordance with sections 306 and 307 of this chapter;
- (c) the residue, if any, shall be deposited in the National Treasury as a navigation fine.

Source

(Code 1966, § 883(h).) 19 TTC § 158, modified.

Notes

Superluck Enterprises, Inc. v. ROP, 4 ROP Intrm. 290, 298 (Tr. Div. 1994).

§ 309. Judgment for return.

Upon the entry of judgment in favor of a claimant who is the owner or the person otherwise entitled to immediate possession, all the property seized or arrested shall be returned forthwith to the claimant or his agent; provided that, if it appears there was reasonable cause for the seizure or

arrest, the court shall cause a proper certificate thereof to be entered and the claimant shall not be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such seizure or prosecution.

Source

(Code 1966, § 883(i).) 19 TTC § 159, modified.

Notes

Superluck Enterprises, Inc. v. ROP, 4 ROP Intrm. 290, 290, 298-99 (Tr. Div. 1994).

§ 310. Compromise of claims.

Any claim for forfeiture under this chapter may be compromised by the President at any time on such terms and conditions as he deems reasonable and just. The President may in connection therewith remit or mitigate the forfeiture or any part thereof, or order discontinuance of any prosecution relating thereto; provided that nothing in this section shall be construed to deprive any person without his consent of an award made before such compromise.

Source

(Code 1966, § 883(j).) 19 TTC § 160, modified.

Cross-reference

ROP Const. art. VIII, § 7(5).

Chapter 4

Port Authority

[Repealed]

§ 401 - § 404. [Repealed]

Source

PL 7-4-7 §§ 1-4, modified. Repealed by RPPL 5-7 § 34(6) on 10/3/97 effective 10/1/97.

Chapter 5

Seamen's Protection Act

Subchapter I

General Provisions

§ 501. Short title.

§ 502. Definitions.

§ 503. Freedom of association.

§ 504. Chief to make rules and regulations.

§ 505. Minimum age for employment.

§ 506. Working hours; overtime; penalty.

§ 501. Short title.

This chapter may be cited as the “Seamen’s Protection Act.”

Source

19 TTC § 201, modified.

§ 502. Definitions.

In this chapter, unless the context otherwise requires:

- (a) “Chief” means the Chief of the Division of Labor or a person or board established by law to make rules and regulations not contrary to the provisions of this chapter relating to conditions and terms of employment, benefits, and other necessary matters concerning the rights of seamen.
- (b) “Crew” means collectively the persons, other than officers and the master, serving in any capacity on board a vessel.
- (c) “Fishing vessel” means any vessel used for catching any living creatures at sea.
- (d) “Foreign trade” means trade between foreign countries or between the Republic and foreign countries.
- (e) “Master” means any person having command of a vessel.
- (f) “Republic vessel” means any vessel registered with the national government.
- (g) “Seamen” means any or all members of a crew, and officers other than the master and pilots, employed or engaged in any capacity on board any vessel.
- (h) “Shipowner” includes the charterer of any vessel where he mans, victuals, and navigates such vessel at his own expense or by his own procurement.

Source

19 TTC § 202, terms put in alphabetical order and section modified.

§ 503. Freedom of association.

Seamen and their employers, without distinction whatsoever, shall have the right to establish and to become members of organizations of their choosing, subject always to jurisdiction of the Republic.

Source

19 TTC § 230, modified.
Cross-reference
ROP Const., Art. IV, § 3.

§ 504. Chief to make rules and regulations.

The Chief may make rules and regulations not contrary to the provisions of this chapter relating to conditions and terms of employment, wages, vacations and leave, hours of work, repatriation, minimum age, and compensation for sickness, injury or death of masters, seamen and seagoing laborers employed on vessels documented under the laws of the Republic. Such rules and regulations, when signed and approved by the President, shall have the force and effect of law.

Source
19 TTC § 232, modified.

§ 505. Minimum age for employment.

- (a) Children under the age of 16 years shall not be employed on Republic vessels engaged in foreign trade, except on vessels on which only members of the same family are employed, school-ships, or training ships.
- (b) The master shall keep a register of all persons under the age of 16 years employed on board his vessel, as required by regulations.

Source
19 TTC § 204, modified.
Cross-reference
ROP Const., Art. IV, § 11.

§ 506. Working hours; overtime; penalty.

- (a) In relation to the members of the crew on a vessel engaged in foreign trade:
 - (1) the normal hours of work in port and at sea shall be eight per day; provided that Saturdays and Sundays shall be included as weekdays;
 - (2) work performed over and above the eight hour period shall be considered as overtime and shall be compensated for at overtime rates;
 - (3) a reasonable number of men shall be employed to promote safety of life at sea and to avoid excessive work burdens.
- (b) Whenever the master of any vessel shall fail to comply with this section, he shall be subject to a penalty not exceeding \$100.00.

Source

19 TTC § 219, modified.

Subchapter II

Compensation and Benefits

- § 521. Wages; generally; penalty.
- § 522. Same; unjustifiable discharge.
- § 523. Same; stowaways.
- § 524. Same; advance prohibited; allotment permitted.
- § 525. Same; not dependent on freight earned.
- § 526. Wages and clothing exempt from attachment; assignment of wages.
- § 527. Agreements as to loss of lien or right to wages.
- § 528. Vacation allowances and holidays.
- § 529. Wages, maintenance, and benefits for sick and injured seamen.

§ 521. Wages; generally; penalty.

- (a) Wages shall commence on the day specified and agreed to in the shipping articles or at the time of presence on board the vessel for the purpose of commencing work, whichever first occurs, and shall terminate on the day of discharge or termination of the articles.
- (b) In the absence of any agreement to the contrary, the shipowner or the master of the vessel shall pay to every seaman his wages within two days after the termination of the articles, or at the time when the seaman is discharged, whichever first occurs.
- (c) A seaman is entitled to receive in local currency, on demand, from the master one-half of his wages actually earned and payable at every intermediate port where the vessel shall load or deliver cargo before the voyage is ended, but not more than once in any 10 day period. In case of wrongful failure to pay a seaman his wages on demand, the seaman becomes entitled to a payment of full wages earned.
- (d) Every master shall deliver to the seaman, before paying off, a full and true account of his wages and all deductions to be made therefrom on any account whatsoever, and in default shall, for each offense, be subject to a penalty of not more than \$25.00.

Source

19 TTC § 205, modified.

Notes

Foster v. Bucket Dredger, 7 ROP Intrm. 234, 239 (Tr. Div. 1997).

§ 522. Same; unjustifiable discharge.

Any seaman who has signed shipping articles and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge and without consent, shall be entitled to receive in addition to his earned wages a sum equal in amount to one month's wages as compensation.

Source

19 TTC § 206.

§ 523. Same; stowaways.

A stowaway signing the vessel's articles is entitled to wages, but not to maintenance and cure as provided in this chapter. The master shall discharge him at the first convenient port of call. Nothing in this section shall require a stowaway to be signed on shipping articles.

Source

19 TTC § 207, modified.

§ 524. Same; advance prohibited; allotment permitted.

(a) It shall be unlawful to pay any seaman wages in advance of the time when they are actually earned, or to pay such advance wages or make any order or note or other evidence of the indebtedness therefore to any other person, or to pay any person for the shipment of any seaman when payment is deducted or to be deducted from a seaman's wages. Any person violating any of the provisions of this section shall be punished with a fine of not more than \$50.00.

(b) It shall be lawful for the master and any seaman to agree that an allotment of a portion of the seaman's earnings may be payable to a spouse, children, grandchildren, parents, grandparents, brothers or sisters, or to a bank account in the name of the seaman.

Source

19 TTC § 209, modified.

§ 525. Same; not dependent on freight earned.

No right to wages on the part of any seaman shall be dependent on the earning of freight by the vessel; provided that nothing in this section shall be construed to prevent any profit-sharing plan by which officers and crew are to be compensated with profits in addition to their established wages.

Source

19 TTC § 213, modified.

§ 526. Wages and clothing exempt from attachment; assignment of wages.

- (a) The wages and clothing of a seaman shall not be subject to attachment or arrestment from any court.
- (b) The assignment or sale of wages or of salvage made prior to the accruing thereof shall not bind the seaman, except that allotments shall bind the seaman.

Source

19 TTC § 210, divided into subsections and modified.

§ 527. Agreements as to loss of lien or right to wages.

No seaman shall by any agreement forfeit his lien upon the ship or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled. Every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship or to abandon any right which he may have obtained in the nature of salvage shall be wholly void and inoperative.

Source

19 TTC § 212, modified.

Notes

Foster v. Bucket Dredger, 7 ROP Intrm. 234, 239 (Tr. Div. 1997).

§ 528. Vacation allowances and holidays.

- (a) Every master and seaman shall be entitled after 12 months of continuous service on a vessel or for the same employer, to receive and shall take an annual paid vacation equivalent to:

- (1) in the case of masters and officers, not less than 12 days' base wages;
and
- (2) in the case of other members of the crew, not less than eight days' base wages.

- (b) Every seaman shall be entitled to a minimum of five paid holidays per year.

- (c) In the event a seaman is unable to take the benefits of subsections (a) and (b) hereof for paid vacation or holiday, then the seaman shall be entitled to double time pay for each vacation day or holiday, as measured by eight hours the seaman was unable to take, as certified by the master.

Source

19 TTC § 211, modified.

§ 529. Wages, maintenance, and benefits for sick and injured seamen.

(a) In the event of disabling sickness or injury while a seaman is on board a vessel under signed shipping articles, or off the vessel pursuant to an actual mission assigned to him by, or by the authority of the master, the seaman shall be entitled to:

(1) full wages, as long as he is sick or injured and remains on board the vessel;

(2) medical and surgical treatment and supply of proper and sufficient medicines and therapeutical appliances, until medically declared to have reached a maximum cure or to be incurable, but in no event more than 30 weeks from the day of the injury or commencement of the sickness;

(3) an amount equal to board and lodging up to a maximum period of 30 weeks, plus one-third of his base wages during any portion of such period subsequent to his landing from the vessel (but not to exceed a maximum period of 16 weeks commencing from the day of injury or commencement of the sickness);

(4) repatriation as provided in section 543 of this title, including, in addition, all charges for his transportation, accommodation and food during the journey and his maintenance up to the time fixed for his departure.

(b) The shipowner or his representative shall take adequate measures for safeguarding property left on board by a sick, injured, or deceased seaman.

(c) The seaman shall not be entitled to any of the benefits described in subsection (a):

(1) if such sickness or injury resulted from his willful act, default or misconduct;

(2) if such sickness or injury developed from a condition which was intentionally concealed from the employer at or prior to his engagement under the articles;

(3) if he refuses medical treatment for such sickness or injury or is denied such treatment because of misconduct or default;

(4) if at the time of his engagement he refused to be medically examined.

(d) The seaman shall have a maritime lien against the vessel for any wages due him under this section.

Source

19 TTC § 214, modified.

Subchapter III

Discharge and Repatriation

§ 541. Discharge; certificate of service; penalty.

§ 542. Same; grounds.

§ 543. Repatriation; rights generally.

§ 544. Same; loss of right.

§ 541. Discharge; certificate of service; penalty.

(a) The master shall sign and give to a seaman discharged from his vessel, either on his discharge or on payment of his wages, a certificate of service in a form approved by the Chief, specifying the period of his service and the time and place of his discharge.

(b) If any person forges or fraudulently alters any certificate of service, he shall, in respect of each offense, be guilty of a misdemeanor.

Source

19 TTC § 203, modified.

§ 542. Same; grounds.

The master may discharge a seaman for justifiable cause, including any of the following grounds:

- (a) unjustified failure to report on board at such times and dates as may be specified by the master;
- (b) incompetence to perform duties for which the seaman has represented himself as qualified;
- (c) theft, embezzlement, or willful destruction of any part of the vessel, its cargo or stores;
- (d) serious insubordination or willful disobedience or willful refusal to perform assigned duties;
- (e) mutiny or desertion;
- (f) habitual intoxication, quarreling or fighting;
- (g) possession of dangerous weapons, narcotics or contraband articles;

- (h) intentional concealment from the shipowner or master, at or prior to engagement under the shipping articles, of a condition which resulted in sickness or injury;
- (i) assistance to stowaways;
- (j) willful violation of the laws of the Republic or applicable local criminal laws.

Source

19 TTC § 208, modified.

§ 543. Repatriation; rights generally.

(a) Any seaman who is put ashore at a port other than the one where he signed the shipping articles and who is put ashore for reasons for which he is not responsible, shall be returned as a crew member or otherwise, but without expense to him:

- (1) at the shipowner's option, to the port at which he was engaged or where the voyage commenced or to a port of the seaman's own country;
or
- (2) to another port, agreed upon between the seaman and the shipowner or the master.

However, in the event that the seaman's contract period of service has not expired, the shipowner shall have the right to transfer him to another of the shipowner's vessels to serve thereon for the balance of the contract period of service.

(b) Any seaman whose period of employment is terminated by reason of completion of the voyage for which he was engaged or by expiration of his contract period of employment shall be entitled to repatriation, at no expense to him, to the port at which he was engaged or to such other port as may be agreed upon.

Source

19 TTC § 220, § 220(3) moved to § 544, modified.

§ 544. Same; loss of right.

A seaman shall forfeit his right of repatriation in case of:

- (a) desertion;
- (b) entering into a new agreement with the same owner after his discharge;
- (c) entering into a new agreement with another owner within one week after his discharge;

- (d) criminal offenses under sections 563, 565, and 566 of this title;
- (e) unjustifiable repudiation of the shipping articles; or
- (f) failure to request repatriation within one week from the time that the seaman is in condition to be repatriated under section 543.

Source

19 TTC § 221, modified; subsection (f) adapted from § 220(3).

Subchapter IV

Offenses

- § 561. Offenses against the internal order of the vessel; acts of seaman punishable by master.
- § 562. Corporal punishment prohibited.
- § 563. Drunkenness; wilful breach or neglect of duty.
- § 564. Desertion.
- § 565. Incitement of revolt, mutiny, riot, etc.
- § 566. Revolt or mutiny of seamen.
- § 567. Abandonment of seamen.
- § 568. Entry of offenses in logbook.

§ 561. Offenses against the internal order of the vessel; acts of seaman punishable by master.

(a) Any seaman on a Republic vessel who commits any of the following offenses may, in addition to any criminal penalties provided in this chapter, be punished by the master as follows:

- (1) for neglecting or refusing without reasonable cause to join his vessel or to proceed to sea in his vessel, or for absence without leave at any time within 24 hours of the vessel's sailing from any port, either at the commencement or during the progress of the voyage, or for absence at any time, without leave and without sufficient reason, from his vessel and from his duty, not amounting to desertion, by forfeiture from his wages of not more than two days' wages or wages sufficient to defray any expenses which shall have been properly incurred in hiring a substitute;
- (2) for quitting the vessel without leave before it is placed in security, by forfeiture from his wages of not more than one month's wages;
- (3) for intoxication or willful disobedience to any lawful command, by being placed in restraint until such intoxication or disobedience shall cease and by forfeiture from his wages of not more than four days' wages;

(4) for continued intoxication or willful disobedience to any lawful command or continued willful neglect of duty, by being placed in restraint until such intoxication, disobedience or neglect shall cease, and by forfeiture, for every 24 hours' continuance of such intoxication, disobedience or neglect, of a sum of not more than 12 days' wages;

(5) for willfully damaging the vessel, or embezzling or willfully damaging any part of the stores or cargo, whether on board the vessel, in boats or ashore, by forfeiture out of his wages of a sum equal in amount to the loss thereby sustained;

(6) for any act of smuggling, whereby loss or damage is occasioned to the master or shipowner, by payment to such master or shipowner of such a sum as is sufficient to reimburse the master or shipowner for such loss or damage; the whole or any part of his wages may be retained in satisfaction or on account of such liability;

(7) for assaulting any master, pilot, or officer, by forfeiture from his wages of not more than three months' pay;

(8) for mutiny or desertion, by forfeiture of all accrued wages.

(b) All earnings forfeited as a result of penalties imposed by the master pursuant to this section shall be applied to reimburse the master or shipowner for any loss or damage resulting from the act for which the forfeiture was imposed, and the balance, with an accounting thereof, shall thereupon be forwarded to the Chief.

Source

19 TTC § 222, modified.

§ 562. Corporal punishment prohibited.

Flogging and all other forms of corporal punishment are hereby prohibited on board any vessel, and any master who shall violate the provision of this section shall be guilty of a misdemeanor.

Source

19 TTC § 223, modified.

§ 563. Drunkenness; wilful breach or neglect of duty.

Any master, seaman, or other person on any vessel, who:

(a) by willful breach of duty or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to, such vessel or its cargo, or tending immediately to endanger his life or limb or the life or limb of any person belonging to or on board such vessel, or

(b) by willful breach of duty or by neglect of duty or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel and her cargo from immediate loss, destruction or serious damage or for preserving any person on such vessel from immediate danger to life or limb, shall be subject to a fine of not more than \$250.00.

Source

19 TTC § 224, modified.

§ 564. Desertion.

(a) Any seaman who deserts his vessel with the intention of not returning to duty and who remains unlawfully in a foreign country shall be guilty of desertion and shall be liable to answer for any damages or losses suffered by the shipowner as a consequence of such desertion.

(b) The master shall make an entry of all desertions in the logbook and file a report with the office of the Chief. The Bureau of Public Safety shall be notified and requested to apprehend and deliver the deserter.

Source

19 TTC § 225, modified.

§ 565. Incitement of revolt, mutiny, riot, etc.

Any member of the crew of a Republic vessel who:

- (a) endeavors to make a revolt or mutiny on board such vessel, or
- (b) combines, conspires or confederates with any other person on board to make a revolt or mutiny, or
- (c) solicits, incites or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officers of such vessel, or
- (d) refuses or neglects his proper duty on board such vessel, or
- (e) betrays his proper trust, or
- (f) assembles with others in a tumultuous and mutinous manner, or
- (g) makes a riot on board such vessel, or
- (h) unlawfully confines the master or other commanding officer of such vessel, shall be fined not more than \$1,000.00, or imprisoned for not more than five years, or both.

Source

19 TTC § 226, divided into subsections and modified.

§ 566. Revolt or mutiny of seamen.

Any member of the crew of a Republic vessel who, unlawfully and with force, or by fraud or intimidation:

- (a) usurps the command of such vessel from the master or other lawful officer in command thereof, or
- (b) deprives the master, or other lawful officer in command, of authority and command on board, or
- (c) resists or prevents the master, or other lawful officer in command, in the free and lawful exercise of command, or
- (d) transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny and shall be fined not more than \$2,000.00, or imprisoned for not more than 10 years, or both.

Source

19 TTC § 227, divided into subsections and modified.

§ 567. Abandonment of seamen.

- (a) Any master or person in charge of a Republic vessel who:
 - (1) maliciously and without justifiable cause forces any member of the crew of such vessel on shore in order to leave him behind in any foreign port or place, or
 - (2) refuses to bring to such place as is required under the articles any member of the crew of such vessel in condition and willing to proceed when the master is ready to proceed, shall be fined not more than \$500.00.
- (b) The abandoned seaman shall retain his right to repatriation.

Source

19 TTC § 229, § 229(1) divided into subsections and modified.

§ 568. Entry of offenses in logbook.

- (a) Upon the commission of any offense, an entry thereof shall be made in the official logbook of the vessel on the day on which the offense was committed and an

entry made of any penalty or fine imposed. The entry shall be signed by the master and by the mate or one of the crew.

(b) The offender, if still on the vessel, shall, before next arrival of the vessel at any port or, if it is at the time in port, before its departure therefrom, be furnished with a copy of such entry and have the same read over distinctly and audibly to him, and may thereupon make such a reply thereto as he thinks fit.

(c) A statement that a copy of the entry has been so furnished or the same has been so read over, together with the offender's reply, if any, shall likewise be entered and signed in the same manner as in subsection (a).

Source

19 TTC § 228, divided into subsections and modified.

Subchapter V

Death on Board Vessel

§ 581. Death on board; procedure generally.

§ 582. Same; issuance of death certificate.

§ 583. Same; burial expenses.

§ 584. Wrongful death.

§ 581. Death on board; procedure generally.

(a) In the event of a death on board a vessel, an entry shall be made in the vessel's logbook by the master and one of his officers. He shall also report the death to the authorities at the first port of arrival and shall submit a statement signed by him to the Chief.

(b) The logbook entry and statement shall contain the first and last name, sex, nationality, year and place of birth of the deceased person, the cause of death, place of death (latitude, longitude), date and time of death, the names of next-of-kin, if known, and the name of the vessel. If the deceased person is a seaman, the entry and statement shall contain, in addition, his rank or rating, place and address of his residence or domicile, and the number of his license with date of issuance. The statement submitted by the master shall be countersigned by any attending physician aboard, otherwise by any of the ship's officers. A list of personal effects and amounts of money left on board the vessel shall be attached.

(c) The shipowner or his representative shall take adequate measures for safeguarding property left on board by a deceased seaman.

Source

19 TTC § 216, subsection (c) adapted from § 214(2) and section modified.

§ 582. Same; issuance of death certificate.

Where a death has been reported in accordance with the requirements of section 581 of this subchapter, the Office of the Division of Labor shall issue a death certificate containing the particulars set forth in section 581 of this subchapter upon the request of anyone having a legal interest.

Source

19 TTC § 217, modified.

§ 583. Same; burial expenses.

In the case of death of a seaman occurring on board the vessel or in case of his death occurring on shore, if, at the time, he was entitled to medical care and maintenance at the shipowner's expense, the shipowner shall be liable to defray reasonable local funeral expenses and make payment of the base wages of the deceased seaman up to the end of the month in which the death occurs.

Source

19 TTC § 218.

§ 584. Wrongful death.

Notwithstanding anything contained in chapter 31 of Title 14 of this Code, whenever the death of a seaman, resulting from an injury, shall be caused by wrongful act, omission, neglect or default occurring on board a vessel, the personal representative of the deceased seaman may maintain a suit for damages, for the exclusive benefit of the deceased's wife, husband, parent, child, or dependent relative, against the vessel, person or corporation which would have been liable if death had not ensued.

Source

19 TTC § 215, modified.

Commission Comment

Chapter 31 of Title 14 is the Survival and Death Act found in the Civil Procedure title of this Code.

Subchapter VI

Miscellaneous Provisions

§ 591. Limitation of actions.

§ 591. Limitation of actions.

(a) Claims arising out of the shipping articles are subject to a one year prescription.

(b) The following rights of action are subject to a two year prescription:

(1) the right of action for death of a seaman caused by wrongful act, neglect or default on the high seas;

(2) claims of the shipowner against the master for acts committed during the performance of his duties;

(3) all other tort claims.

(c) All other claims are subject to a three year prescription.

(d) The period of prescription of the claims laid down in the preceding subsections runs from the time when the right of action accrues.

Source

19 TTC § 231, subsections (1) and (1)(a) combined to make new subsection (a), and section modified.

Cross-reference

For other limitation of actions, see chapter 4 of Title 14.