

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

30<sup>th</sup> CONSTITUTIONAL REGULAR SESSION, 2009

BILL NO.: 32ND1

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P.L. 2009-14

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AN ACT

to amend sections 155, 156, 157, 158, 159, 214, 709, 710, 711, 811, 826, 833, and 843 of the Marshall Islands Maritime Act 1990.

ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

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Section 1. **Short Title.**

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This Act may be cited as the Marshall Islands Maritime (Amendment) Act, 2009

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Section 2. **Amendments.**

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(1) Section 155 of the Marshall Islands Maritime Act 1990 is hereby amended to read as

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follows:

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**§155. Implementation and Compliance**

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The international conventions and agreements to which the Republic is or may

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become a State Party, shall be complied by all vessels documented under the laws

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of the Republic which are engaged in foreign trade and, to the extent determined

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applicable, to domestic watercraft as defined in Chapter 9 of this Title, fishing

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vessels and yachts. The forgoing international conventions and agreements, as

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may be amended, shall have effect as if specifically enacted by statute and fully

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set forth herein.

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(2) A new Section 156 of the Marshall Islands Maritime Act 1990 is hereby incorporated

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to read as follows:

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**§156 Publication of international laws**

1 In accordance with §155, the Maritime Administrator shall cause to be published  
2 and periodically updated a list of all applicable international treaties, conventions,  
3 protocols, codes, regulations, and agreements that have come into force and to  
4 which the Republic is a Party or have been established and declared by the  
5 Maritime Administrator to be a National Standard by which vessels documented  
6 under the laws of the Republic shall be governed.

7 (3) A new Section 157 of the Marshall Islands Maritime Act 1990 is hereby incorporated  
8 to read as follows:

9 **§157 Publication of policies and goals**

10 The Maritime Administrator shall cause to be published and periodically updated  
11 the policies, goals, and measures to be taken in keeping with §102 of this Act, for  
12 the Marshall Islands Maritime Program as it relates to the implementation and  
13 enforcement of the International Maritime Organization (IMO) Resolution A.973  
14 (24), the “Code for the Implementation of Mandatory IMO Instruments”, as may  
15 be amended from time to time.

16 (4) Section 156 and 159 of the Marshall Islands Maritime Act 1990 is hereby amended to  
17 read as follows:

18 **§158- 159. Reserved.**

19 (5) Section 214 subsection (1) of the Marshall Islands Maritime Act 1990 is hereby  
20 amended to read as follows:

21 **§214. Conditions precedent to issuance of Provisional Certificate**

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P.L. 2009-16

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1 (1) Upon receipt by the office of the Maritime Administrator of the written  
2 application of an owner of a vessel eligible for documentation under the laws of  
3 the Republic and requesting the issuance of a Certificate of Registry for the  
4 vessel, accompanied by the oath or oaths required by Section 209 of this Chapter,  
5 and upon payment of the prescribed fees to the officer receiving said application,  
6 the Maritime Administrator or any issuing official listed in Section 213 of this  
7 Chapter, may issue a Provisional Certificate of Registry for the vessel, provided  
8 the owner shall furnish proof satisfactory to the officer receiving said application:

9 (a) as to his ownership of the vessel;

10 (b) that if there is an outstanding foreign marine document for the vessel  
11 the government that had issued it has consented to its surrender and that  
12 either said marine document has been surrendered for cancellation or that  
13 the owner has issued orders to the Master of the vessel to surrender said  
14 foreign marine document for cancellation immediately upon receipt of the  
15 Provisional Certificate of Registry of the Republic on board the vessel; or  
16 that the outstanding document has been legally canceled;

17 (c) that the vessel is in a seaworthy condition;

18 (d) that the owner has paid to the Maritime Administrator a sum equal to  
19 the initial registration fee and tonnage tax;

20 (e) that the markings of names, official number, home port, and draft  
21 required by Section 230 of this Chapter, have either actually been made or  
22 that the owner has issued orders to the Master of the vessel to have said

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P.L. 2009-16

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1 markings made immediately upon receipt of the Provisional Certificate of  
2 Registry of the Republic aboard the vessel; and  
3 (f) of third party liability insurance including, but not limited to, coverage  
4 for pollution liability risks, shipwreck removal, and the ship-owners  
5 repatriation obligations under Section 843 of this Act.

6 (6) Section 709 of the Marshall Islands Maritime Act 1990 is hereby amended to read as  
7 follows:

8 **§709. Marine casualties and incidents**

9 In the event of any casualty or incident involving a vessel of the Republic where  
10 there is personal injury or loss of life or there is loss of or damage to property or  
11 the vessel, the Master shall immediately forward a report thereon to the Maritime  
12 Administrator in accordance with such Regulations as the Maritime Administrator  
13 may make from time to time. Where there is a failure to execute and file a report  
14 as required hereunder, the Master and vessel owner shall each be liable to a fine  
15 of one thousand dollars (US\$1,000) and five thousand dollars (US\$5,000)  
16 respectively upon notice from the Maritime Administrator.

17 (7) Section 710 of the Marshall Islands Maritime Act 1990 is hereby amended to read as  
18 follows:

19 **§710. Marine casualty and incident investigations**

20 (1) The Maritime Administrator may, from time to time, make such Rules and  
21 Regulations as are deemed by him necessary and appropriate to the investigation  
22 of marine casualties and incidents involving vessels registered under the laws of

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P.L. 2009-14

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1 the Republic or otherwise occurring within the jurisdiction of the Republic in  
2 accordance with the International Convention for the Safety of Life at Sea, 1974  
3 (SOLAS) Code of the International Standards and Recommended Practices for a  
4 Safety Investigation into a Marine Casualty or Marine Incident (the “Casualty  
5 Investigation Code”).

6 (2) The Maritime Administrator may cause a preliminary investigation into a  
7 casualty or incident to be conducted by a person or agency appointed by the  
8 Maritime Administrator as an investigator of marine casualties and incidents and  
9 who shall have such authority as may be conferred upon him or it by the Maritime  
10 Administrator and/or this Title. The Maritime Administrator may also enter into  
11 memorandum of undertaking with other SOLAS member States for cooperation  
12 and assistance between the parties in respect of a marine safety investigation into  
13 a marine casualty or incident.

14 **(8)** A new Section 711 of the Marshall Islands Maritime Act 1990 is hereby incorporated  
15 to read as follows:

16 **§ 711. Marine offenses and criminal acts**

17 (1) Any instance of a marine offense or criminal act shall be reported by the  
18 Master or shipowner to the Maritime Administrator. Upon receipt of the  
19 notification, the Maritime Administrator shall initiate an investigation as may be  
20 necessary to determine the circumstances of the offense and the action to be taken  
21 in coordination with the Attorney General of the Republic as necessary in  
22 accordance with Title 15, Marshall Islands Revised Code, Chapter 1, the Counter-

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P.L. 2009-16

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1 Terrorism Act, 2002 (15 MIRC), and the Schedule to 15 MIRC, as well as the  
2 Protocols of 2005 to amend the 1988 SUA Convention.

3 (2) Should a marine offense or criminal act occur or be occurring in the  
4 jurisdiction of a State or territory that is a signatory to the 1988 SUA Convention  
5 and Protocols, other than the Republic, the Maritime Administrator may waive  
6 flag State jurisdiction and allow the State or territory to assert jurisdiction over the  
7 case.

8 (3) Should a marine offense or criminal act occur on the high seas, the Maritime  
9 Administrator shall notify and offer jurisdiction to the State governments of the  
10 victim(s) and the accused. If no State accepts jurisdiction, the Maritime  
11 Administrator shall notify the Marshall Islands Minister of Justice of the  
12 Republic. After an investigation to determine that a crime has occurred, the  
13 Marshall Islands Ministry of Justice shall then make the necessary arrangements  
14 to extradite and prosecute the accused.

15 (4) The Maritime Administrator may waive the Republic's jurisdiction where  
16 such waiver is deemed necessary and appropriate to the prosecution of a marine  
17 offense or criminal act.

18 (9) Section 811 of the Marshall Islands Maritime Act 1990 is hereby amended to read as  
19 follows:

20 **§811. Duties of the Master**

21 The Master shall, among others, have the following duties:

22 (a) to enter into Shipping Articles with seafarers as hereinafter provided;

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P.L. 2009-16

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1 (b) to maintain discipline on board the vessel and to take all such steps as are  
2 necessary and appropriate in connection therewith;

3 (c) to assume responsibility for the receipt of cargo by the vessel, stowage of  
4 cargo on board the vessel insofar as such stowage affects the safety or  
5 navigability of the vessel, and for the discharge of cargo from the vessel;

6 (d) to assume full responsibility for the safety of the members of the crew and  
7 passengers, if any, and to take all necessary and appropriate steps in connection  
8 therewith;

9 (e) to assume full responsibility for the navigation of the vessel at all times;

10 (f) to assume full responsibility for the vessel's funds and the disbursement  
11 thereof;

12 (g) to see that the vessel's log books are properly and accurately kept;

13 (h) to keep in his custody all of the vessel's documents;

14 (i) to make all reports required by laws or Regulation of the Republic or by the  
15 Regulations of any port at which the vessel may call;

16 (j) to render assistance in the saving of life and property at sea; and

17 (k) to protect the health of seafarers and ensure their prompt access to medical  
18 care onboard and ashore.

19 **(10)** Section 826 of the Marshall Islands Maritime Act 1990 is hereby amended to read as  
20 follows:

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1           **§826. Minimum age at sea**

2           (1) Notwithstanding any other provision of this Chapter, persons under the age of  
3           sixteen (16) years shall not be employed or work on vessels of the Republic  
4           registered under this Title.

5           (2) Persons under the age of eighteen (18) years shall not be employed or work on  
6           coal-burning vessels as trimmers or stokers.

7   **(11)** Section 833 of the Marshall Islands Maritime Act 1990 is hereby amended to read as  
8   follows:

9           **§833. Vacation allowance and holidays**

10          (1) Every Master and seafarer shall be entitled, to receive an annual vacation  
11          allowance equivalent to not less than 2.5 calendar days per month of employment.

12          (2) Every seafarer shall be entitled to a minimum of five (5) paid holidays per year.

13   **(12)** Section 843 of the Marshall Islands Maritime Act 1990 is hereby amended to read as  
14   follows:

15          **§843. Repatriation**

16          (1) Nothing contained herein shall be deemed to abridge or diminish a seafarer's  
17          right to repatriation under generally accepted international rules and agreements,  
18          including those administered by the International Labor Organization (ILO).

19          (2) Any seafarer who is put ashore at a port other than the one where he signed  
20          the Shipping Articles and who is put ashore for reasons for which he is not  
21          responsible, shall be returned as a crew member or otherwise, but without expense  
22          to him:



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

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

9 (3) Any seafarer whose period of employment is terminated by reason of  
10 completion of the voyage for which he was engaged, by the termination of the  
11 seafarer's employment agreement by the seafarer for justified reasons or by the  
12 shipowner, by reason of the seafarer no longer being able to carry out his or her  
13 duties under his or her employment agreement or the seafarer cannot be expected  
14 to carry them out in the specific circumstances, or by expiration of his or her  
15 contract period of employment shall be entitled to repatriation, at no expense to  
16 him or her, to the port at which he or she was engaged or to such other port as  
17 may be agreed upon.

18 Section 3. **Effective Date.**

19 This Act shall take effect in accordance with the Constitution and the Rules of  
20 Procedures of the Nitijela.

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P.L. 2009-14

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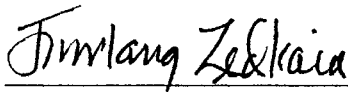
CERTIFICATE

I hereby certify:

- (1) That Nitijela Bill No: 32ND1 was passed by the Nitijela of the Republic of the Marshall Islands on the 13<sup>th</sup> day of May, 2009; and
- (2) That I am satisfied that Nitijela Bill No.: 32ND1 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 5<sup>th</sup> day of June, 2009.

Attest:

  
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**Hon. Jurelang Zedkaia**  
Speaker  
Nitijela of the Marshall Islands

  
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**Joe E. Riklon**  
Clerk  
Nitijela of the Marshall Islands