

# **TITLE 47.** **MARITIME**

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## **CHAPTER 1.**

### **MARITIME ADMINISTRATION**

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An Act to provide for a comprehensive modernization of the maritime laws of the Republic of the Marshall Islands. [The Chapters in this Title were originally codified in 34 MIRC 3. They have been re-codified in this Title for ease of use and to conform to the style of the Code. No substantive changes were made in the re-codification. This Chapter 1 contains Parts I, VI, VII, VIII and XI of old 34 MIRC 3.]

Commencement: 13 September 1990  
Source: P.L. 1990-92  
P.L. 1990-94  
P.L. 1992-32  
P.L. 1997-33  
P.L. 2001-27

P.L. 2005-36  
P.L. 2009-16  
P.L. 2012-4  
P.L. 2013-5  
P.L. 2013-7  
P.L. 2013-14

#### PART I- GENERAL

**§101. Short title.**

This Chapter shall be known and may be cited as the Maritime Administration Act. [P.L. 1990-92, §1. Short title changed by Reviser to reflect the re-codification of the original Act into separate chapters of this Title.]

**§102. Statement of policy; application.**

(1) This Title is intended, and shall be construed, to encourage and foster the growth and development of the foreign and domestic commerce; to promote and protect the national defense and security of the Republic of the Marshall Islands (hereinafter sometimes referred to as “the Republic”); to preserve and protect the marine environment; and to regulate a uniform national program of marine safety, inspection and documentation.

(2) Vessels engaged in foreign trade and vessels under construction not exclusively owned by natural persons who are citizens or nationals of the Republic shall be registered solely under Chapters 1 through 8 of this Title.

(3) Chapter 9 of this Title shall apply to any vessel operating exclusively within the waters of the Republic which is not duly and properly documented or registered elsewhere.

(4) All matters affecting the internal order and economy of vessels registered under the laws of the Republic engaged in foreign trade and domestic commerce, including labor relations, shall be governed by this Title. [P.L. 1990-92, §2; Amended by P.L. 1990-94, §2(1), which repealed subsection (4) of this Section.][Amended by P.L. 2001-27; Amended by 2012-4]

**§103. Administration of the law: Maritime Administrator - Rules and Regulations.**

There is hereby created the Republic of the Marshall Islands Maritime Administrator (hereinafter sometimes referred to as “the Maritime Administrator”) which shall be appointed by the Cabinet. In addition to the authority conferred upon the Maritime Administrator under the Maritime Act, and subject to the provisions of this Title, the Minister of Transport and Communications, with the approval of Cabinet, may by a written instrument generally or specifically delegate his authority, power, functions under this Title to the Maritime Administrator to administer all matters pertaining to vessels of the Republic that are subject to the provisions of this Title; promulgate Rules and Regulations to carry out the provisions of this Title; and ensure the seaworthiness and proper manning conditions of such ships, yachts and fishing vessels registered under the laws of the Republic. [P.L. 2001-27, §103.]

**§104. Commissioner of Maritime Affairs.**

There shall be a Commissioner of Maritime Affairs (hereinafter sometimes referred to as “the Commissioner”) who shall be appointed by the Maritime Administrator and who shall have such authority as may be conferred upon him by the Maritime Administrator and/or this Title. [P.L. 1990-92, §4.]

**§105. Deputy Commissioners of Maritime Affairs.**

There shall be Deputy Commissioners of Maritime Affairs (hereinafter sometimes referred to as “Deputy Commissioners”) who shall be appointed by the Maritime Administrator and who shall have such authority as may be conferred upon them by the Maritime Administrator and/or this Title. [P.L. 1990-92, §5.]

**§106. Special Agents.**

The Maritime Administrator, the Commissioner or any Deputy Commissioner may from time to time appoint one or more special agents (hereinafter sometimes referred to as “the Special Agents”) to act on its or his behalf in connection with the registration and documentation of vessels, the formation and maintenance of corporations or other entities and the recordation of instruments in relation thereto. The signature of the Special Agents will have the same status as a notarial act or acknowledgment. The Special Agents acknowledgment shall be admissible as evidence in the High Court of the Republic. [P.L. 1990-92, §6.][Amended by P.L. 2005-36]

**§107. Records relating to vessels.**

There shall be maintained at the central office of the Maritime Administrator in the United States of America a public register consisting of appropriate indexes where there shall be recorded or filed in, properly allocated and accessible form, all documents of the following nature:

- (a) bills of sale and other instruments of conveyance of vessels;
- (b) mortgages of vessels;
- (c) assignments of mortgages;
- (d) certificates of permanent and provisional registry, and construction certificates of registry;
- (e) licenses and certificates of officers and members of ship’s crew;
- (f) all other documents relating to vessels and which are entitled to recordation. [P.L. 1990-92, §7; repealed and replaced by P.L. 1992-32, §4(7); amended by P.L.2012-4.]

**§108. Authority to administer oaths and take acknowledgments.**

The Commissioner, each Deputy Commissioner and each Special Agent is authorized to administer all oaths, take all acknowledgments and make all proofs of due execution required by this Title either in or outside of the Republic. [P.L. 1990-92, §8.]

**§109. Authority to Issue Licenses, Certificates and Other Documents.**

(1) The Commissioner, each Deputy Commissioner or any duly appointed and authorized agents on behalf of the Maritime Administrator are authorized to issue all such licenses, certificates, or other documents for officers and ship’s personnel on vessels of the Republic engaged in foreign trade that are subject to the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time (“STCW Convention”), that are necessary or proper for carrying out the purposes of this Title, any Rule or Regulation promulgated in furtherance hereof or of any International Convention, Code or Agreement to which the Republic is a party.

(2) In aid of licensing, certificating and upgrading of ship’s officers and personnel, the Maritime Administrator shall, from time to time, establish such standards, Rules and Regulations as shall be deemed by it to be necessary and appropriate to carry out such purposes and maintain the high standards of the Merchant Marine of the Republic.

(3) Failure of an owner of a vessel of the Republic to file any required report relating to officers and other ship’s personnel employed on the vessel shall result in an automatic fine of one thousand five hundred dollars (US \$1,500) for each offense, and until paid such fine shall constitute a maritime lien on the vessel.

(4) Failure of an owner of a vessel, other than a vessel under construction, of the Republic to ensure that each officer employed on the vessel is the holder of a valid license of competence of the Republic to fill the position held by him shall subject the owner to a fine of one thousand five hundred US dollars (US \$1,500) for each officer so employed who is not the holder of such license

of the Republic. If, however, a proper license of the Republic for each such officer is obtained within thirty (30) days of notice from the Maritime Administrator, the fine with respect thereto may be waived by the Maritime Administrator. Until paid such fine(s) shall constitute a maritime lien on the vessel. [P.L. 1990-92, §10][Subsection (1) amended by P.L. 2001-27]; Subsection (4) amended by P.L.2012-4][Amended by P.L.2013-7].

**§110. Suspension and revocation proceedings.**

The Maritime Administrator shall have power to suspend or to revoke any licenses, certificates, permits or documents issued under the provisions of this Title, and it may from time to time make such Rules and Regulations as are deemed by it necessary and appropriate to the conduct of suspension and revocation proceedings. [P.L. 1990-92, §11.][Subsection (1) amended by P.L. 2001-27]

**§111. Fees.**

The Maritime Administrator is authorized to establish by regulation all necessary and proper fees, except in cases where the fee is already provided for in this Title. [P.L. 1990-92, §12.]

**§112. Definitions.**

(1) The word “builder”, as used throughout this Title, shall mean one who is building or has contracted to build a vessel under construction.

(2) The words “commercial yacht(s)”, as used throughout this Title, shall mean a yacht engaged in trade, commerce or on charter for hire.

(2) The words “construction contract” as used throughout this Title, shall mean a contract for the building, construction, or other fabrication of a vessel.

(3) The words “document” and “enroll” or any of their derivatives, as used throughout this Title, shall have the same meaning as the word “register” or its derivatives.

(4) The words “documented owner”, as used throughout this Title, with respect to a vessel means the person identified as the owner of a documented vessel in the application for documentation filed for the vessel with the Commissioner or any Deputy Commissioner. A person who retains only legal title to a vessel may be a documented owner, notwithstanding any transfer by such person of all or any part of its equitable or beneficial ownership interest in such vessel.

(5) The words “financing charter”, as used throughout this Title, shall mean a contract in the form of a demise or bareboat charter, regardless of duration, between the documented owner and the finance charterer of the entire vessel, which contract is agreed by the parties to be or is determined in judicial or arbitral proceedings to create in favor of the documented owner a security interest in the vessel granted by the finance charterer.

(6) The words “finance charterer”, as used throughout this Title, shall mean a person identified in a financing charter as the charterer of a vessel.

(7) The words “owner”, for the purposes of section 208 and 214 shall include any person who at least holds title in a vessel.

(8) The words “private yacht(s)”, as used throughout this Title, shall mean any yacht not for hire, not engaged in trade or commerce, and used solely for private use, pleasure or recreational purposes by its owner.

(9) The words “vessel of the Republic engaged in foreign trade”, as used throughout this Title, shall mean any vessel not exclusively operated or engaged in coastwise trade or transportation between atolls, islands and/or ports within the waters of the Republic.

(10) The words “vessel under construction”, as used throughout this Title, shall mean a hull or one or more other structures, assemblies, components, modules, or other property on which physical construction or assembly work has begun or commenced pursuant to a construction contract to which the applicant for registration is a party as evidenced by the laying of the keel or similar act

as may be determined in Rules and Regulations promulgated by the Maritime Administrator, which hull, structure(s), assembly(ies), component(s), modules, or other property is or are designed and intended cumulatively to become and be, upon completion, one single vessel, and shall also mean and include all materials, parts, components, equipment, or other property (1) incorporated therein or attached thereto, or (2) in the possession or control of the builder and either (i) identified thereto or to the vessel construction contract by markings, physical segregation, records, or otherwise, or (ii) otherwise intended to be incorporated in or attached to the completed vessel pursuant to the terms of the vessel construction contract collectively comprising the whole of the vessel.

(11) The words “waters of the Republic”, as used throughout this Title, shall mean the Exclusive Economic Zone, territorial waters and internal waters of the Republic as defined in the Marine Zones (Declaration) Act 1984. [P.L. 1990-92] [Subsections (2), (3) (4) and (5) added by P.L. 2001-27, §112; Subsections (2) and (6) inserted by P.L. 2012-4, subsections renumbered.] [Amended by P.L. 2013-5; P.L. 2013-14].

**§113. Adoption of American general maritime law.**

Insofar as it does not conflict with any other provisions of this Title or any other law of the Republic, the non-statutory general maritime law of the United States of America is hereby declared to be and is hereby adopted as the general maritime law of the Republic. [P.L. 1990-92, §14.]

**§114. Separability.**

If any provision of this Title, or the application of any such provision to any circumstances or persons, natural or corporate, shall be held invalid, the validity of the remainder of this Title and the applicability of such provisions to other circumstances, or to persons individual or corporate, shall not be affected thereby. [P.L. 1990-92, §15.]

**§115. General penalty for violation.**

(1) Any person who is in violation of any of the provisions of this Title or of any Rule or Regulation promulgated in accordance with this Title, shall, unless specified elsewhere in this Title or in any Rule or Regulation promulgated in accordance with this Title, be subject to a fine not exceeding one million US dollars (US \$1,000,000).

(2) Any person upon conviction by the High Court of the Republic for a knowing and willing violation of section 154, 216, 804, 843, 846, 849, 850, or 855 of this Title, shall, unless specified elsewhere in this Title, or in any Rule or Regulation promulgated in accordance with this Title, be subject to a penalty not exceeding one million US dollars (US \$1,000,000), imprisonment for a term not exceeding ten (10) years, or both.

(3) The following factors may be considered, among others, by the Maritime Administrator or by the High Court of the Republic when determining the proper penalty for a violation of any provision of this Title, or of any Rule or Regulation promulgated in accordance with this Title:

(a) the nature and seriousness of the offence, including the risk of harm to human life and the environment;

(b) timely, voluntary, and complete disclosure of wrongdoing, including a willingness to cooperate in any subsequent investigations(s);

(c) the existence and effectiveness of a pre-existing compliance program;

(d) remedial actions, including any efforts to implement an effective compliance program or to improve an existing one;

(e) the pervasiveness of wrongdoing, including the complicity in, or the condoning of, the wrongdoing by the Master, seafarer, crewing agent, vessel owner, vessel operator, vessel manager, or any other party;

(f) history of similar misconduct or any prior criminal, civil, or regulatory enforcement actions. [P.L. 2001-27] [P.L. 1990-92, 16. Penalty provision modified to be consistent with the format and style of the Code.] [Amended by P.L. 2013-7]

**§116. Jurisdiction.**

All causes of action arising out of, or under, this Title are hereby declared to and shall be cognizable before the High Court of the Republic, sitting in Admiralty; but, except as otherwise specifically provided in this Title, the provisions of this Section shall not be deemed to deprive other Courts, of the Republic or elsewhere, of jurisdiction to enforce such causes of action. [P.L. 1990-92, §17.]

**§117. Appeal from Commissioner's, Deputy Commissioner's or Special Agent's decision.**

Appeal from any decision of the Commissioner or any Deputy Commissioner or any Special Agent pursuant to any Section of this Title or any Rules and Regulations thereunder, may be taken to the Maritime Administrator. Upon exhaustion of administrative remedies, appeal may be taken to the High Court of the Republic, sitting in Admiralty. [P.L. 1990-92, §18.]

**§118. Immunity from liability and suit.**

In the performance of their duties, the Maritime Administrator, any Commissioner, Deputy Commissioner, and/or any agent appointed, authorized, recognized, and/or designated by the Maritime Administrator, or any Commissioner, Deputy Commissioner, Special Agent, or by any person acting on their behalf for the administration of the provisions of this Title or any Regulation promulgated pursuant to Section 109 of this Chapter or for the performance of statutory certification or classification services together with any affiliate of any such agent, their stockholders, members, directors, officers and employees, wherever located, shall have full immunity from liability and from suit with respect to any act or omission or thing done by any of them in good faith in the exercise or performance, or in the purported exercise or performance, of any power, authority or duty conferred or imposed upon any of them under or in connection with this Title or any Regulation, as amended, or any other law or rule applicable to the performance of any of their said duties. [Added by P.L. 1997-33, §2.][Section amended by P.L. 2001-27, §118.]

**§119-129. Reserved.****PART II- RADIO AUTHORITY****§130. Authority to issue radio station licenses.**

The Commissioner, each Deputy Commissioner and their duly authorized agents on behalf of the Maritime Administrator are authorized to issue ship radio station licenses in respect of radio transmitting apparatus located on board ships and fishing vessels engaged in foreign trade and yachts registered under the laws of the Republic. The Maritime Administrator may, from time to time, make such Rules and Regulations as are deemed by him necessary and appropriate to implement this provision. [P.L. 1990-92, §9.][P.L. 2001-27, §130.]

**§131. Regulations.**

The Maritime Administrator may, from time to time, make such Rules and Regulations as may be deemed necessary and appropriate to the efficient administration of maritime mobile radio stations. [P.L. 1990-92, §133.][P.L. 2001-27 deleted the words "by him"]

**§132. Point of Service Activation.**

The Maritime Administrator, through its duly authorized agents shall be the sole provider of Point of Service Activation (PSA) for all Inmarsat maritime mobile stations established on vessels registered under the laws of the Republic. [New provision inserted by P.L. 2001-27]

§§133-139. *Reserved.*

PART III - VESSEL INSPECTION

**§140. Marine safety inspection.**

In order to promote the safety of life and property at sea, vessels registered under this Title shall be required to undergo inspection and shall at all times carry on board such proof of inspection as may be required by Law or Regulation. [P.L. 1990-92, §134.]

**§141. Regulations.**

The Maritime Administrator shall, from time to time, make such Rules and Regulations as may be deemed necessary and appropriate to the efficient administration of inspections on board vessels registered under the laws of the Republic. [P.L. 1990-92, §135.][P.L. 2001-27, §141.]

§§142-149. *Reserved.*

PART IV - RULES OF NAVIGATION

**§150. Regulations for preventing collisions.**

The International Regulations for Preventing Collisions at Sea, 1972, as amended, and such changes therein as in the future shall be made by any International Convention to which the Republic of Marshall Islands becomes a State Party, shall be followed by all vessels and seaplanes navigating all harbors, rivers, and inland waters of the Republic; and shall be followed by all vessels of the Republic and seaplanes upon the high seas and in all waters connected therewith navigable by seagoing vessels except as provided in Rule 1 of the foregoing Regulations; and the foregoing Regulations, as may be amended from time to time, shall have effect as if specifically enacted by statute and fully set forth herein. [P.L. 1990-92, §136.][P.L. 2001-27, §150.]

**§151. Vessel under oars.**

The term “vessel under oars” as set forth in Rule 25 of the foregoing Regulations shall be interpreted to include canoes and various nondescript local craft. [P.L. 1990-92, §137.]

**§152. Penalty for violation of rules by pilot, engineer, mate or Master.**

Every pilot, engineer, mate, Master or other person in charge of any vessel, yacht, boat, canoe, or nondescript local craft who neglects or refuses to observe the provisions of this Part shall be subject to a penalty of not more than ten thousand US dollars (US \$10,000), and for all damages sustained by any passenger to his person or baggage resulting from such neglect or refusal; provided, that nothing herein shall relieve any vessel, owner, corporation, or other person from any liability incurred by reason of such neglect or refusal. [P.L. 1990-92, §138.][Penalty increased by P.L. 2001-27, §152.][Penalty increased by P.L.2013-7].

**§153. Penalty for violation by vessel.**

Every vessel that shall be navigated without complying with the provisions of this Part shall be subject to a monetary penalty as prescribed under section 115(1) of this Title, for which sum the vessel so navigated shall be liable and may be seized and proceeded against before any Court of competent jurisdiction in this Republic, and, until paid, such fine shall constitute a maritime lien on the vessel. [P.L. 1990-92, §139.][P.L. 2001-27, §153.][Amended by P.L.2013-7].

**§154. Assistance in case of collision.**

In every case of collision between two vessels it shall be the duty of the Master or person in charge of each vessel, if and insofar as he can do so without serious danger to his own vessel, crew, and passengers (if any), to stand by the other vessel until he has ascertained that it needs no further

assistance; to render to the other vessel, and to its Master, crew, or passengers (if any), such assistance as may be practicable and necessary to save them from any danger caused by the collision; and to report to the Master or person in charge of the other vessel the name of his own vessel, its port of registry or the port to which it belongs, and the names of the ports from which and to which it is bound. If he fails to do so without reasonable cause for such failure, the collision shall, in the absence of proof of the contrary, be deemed to have been caused by his wrongful act, neglect, or default. [P.L. 1990-92, §140.]

#### PART V - INTERNATIONAL CONVENTIONS AND AGREEMENTS

##### **§155. Implementation and Compliance.**

The international conventions and agreements to which the Republic is or may become a State Party, shall be complied with by all vessels documented under the laws of the Republic which are engaged in foreign trade and, to the extent determined applicable, to domestic watercraft as defined in Chapter 9 of this Title, fishing vessels and yachts. The foregoing international conventions and agreements, as may be amended, shall have effect as if specifically enacted by statute and fully set forth herein. [section added by P.L. 2001-27, §155.][Amended by P.L. 2009-16]

##### **§156. Publication of International laws.**

In accordance with §155, the Maritime Administrator shall cause to be published and periodically updated a list of all applicable international treaties, conventions, protocols, codes, regulations, and agreements that have come into force and to which the Republic is a Party or have been established and declared by the Maritime Administrator to be a National Standard by which vessels documented under the laws of the Republic shall be governed.[Inserted by P.L. 2009-16]

##### **§157. Publication of policies and goals.**

The Maritime Administrator shall cause to be published and periodically updated the policies, goals, and measures to be taken in keeping with §102 of this Act, for the Marshall Islands Maritime Program as it relates to the implementation and enforcement of the International Maritime Organization (IMO) Resolution A.973 (24), the “Code for the implementation of Mandatory IMO Instruments”, as may be amended from time to time. [Inserted by P.L. 2009-16]

##### **§158-159. Reserved.**

#### PART VI - TRANSITION AND EFFECTIVE DATE

##### **§160. Transition and effective date.**

The Maritime Act 1987 is hereby repealed, except for rights and duties that matured, penalties that were incurred, and proceedings that were begun before the effective date of this Title, which date shall be upon the certification of this Act pursuant to Article IV, Section 21 of the Constitution (the “Effective Date”). A vessel duly registered under the laws of the Republic on the Effective Date shall be deemed to be duly registered hereunder. Nothing contained herein shall impair or otherwise affect the status, including but not limited to, the validity and enforceability of any instrument or document issued, filed or recorded or any act taken prior to the date hereof in respect of a vessel duly registered under the laws of the Republic on the Effective Date. Every instrument or document so issued, filed or recorded shall have the same status hereunder as it had immediately prior to the Effective Date hereof, i.e., a vessel mortgage which was a Preferred Mortgage under the laws of the Republic in effect immediately prior to the Effective Date shall be deemed a Preferred Mortgage hereunder. Every instrument or document issued, filed or recorded and every act taken after the Effective Date in respect of a vessel duly registered under the laws of

the Republic shall be in accordance with the terms and provisions of this Title. [P.L. 1990-92, §204; amended by P.L. 1990-94, 2(2), which changed the effective date from thirty calendar days from the date of enactment, to the date of certification.][Renumbered as Part VI to reflect the new Part V inserted by P.L. 2001-27, §155.]