TITLE 47 – MARITIME
CHAPTER 2 - DOCUMENTATION AND IDENTIFICATION OF VESSELS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

DOCUMENTATION AND IDENTIFICATION OF VESSELS ACT

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TITLE 47 – MARITIME
CHAPTER 2 - DOCUMENTATION AND IDENTIFICATION OF VESSELS

Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

DOCUMENTATION AND IDENTIFICATION OF VESSELS ACT

AN ACT to provide for a comprehensive modernization of the maritime laws of the Republic of the Marshall Islands. **[The legislation in this Chapter 2 was originally codified as Part II of 34 MIRC 3.]**

Commencement:			*September 13, 1990*
Source:			*P.L. 1990-92*
Amended By:	*P.L. 1992-032*	*P.L. 2000-8*	*P.L. 2001-27*
P.L. 2003-95	*P.L. 2009-16*	*P.L. 2012-4*	*P.L. 2013-7*
P.L 2013-8			

PART I - VESSEL REGISTRATION

§201. Short title.

This Chapter may be cited as the Documentation and Identification of Vessels Act. **[Short title supplied by Reviser during recodification of the original Act.]**

§202. General provisions.

No vessel engaged in foreign trade shall be documented under the laws of the Republic or be accorded the rights and privileges of a vessel of the Republic unless such vessel shall be registered in accordance with the provisions of this Part. The home port of every vessel so registered shall be Majuro, with the exception of fishing vessels, which shall have a home port of Jaluit, and yachts which shall have the home port of Jaluit or Bikini, and

the name of the home port shall be shown on the Certificate of Registry. **[P.L. 1990-92, §19; P.L. 2001-27, §202; P.L. 2003-81, §202.]**

§203. Vessels eligible to be documented and re-numbered.

Vessels of the following classes are eligible to be documented or re-documented under the provisions of this Chapter:

(a) any sea-going vessel engaged in foreign trade, wherever built, owned by a citizen or national of the Republic, or a foreign maritime entity qualified in the Republic;

(b) any decked commercial fishing vessel of 24 meters or more in length, engaged in foreign trade, wherever built, owned by a citizen or national of the Republic, or a foreign maritime entity qualified in the Republic;

(c) any commercial yacht of 24 meters or more in length owned by a citizen or national of the Republic, or a foreign maritime entity qualified in the Republic;

(d) any private yacht of 12 meters or more in length owned by a citizen or national of the Republic, or a foreign maritime entity qualified in the Republic;

(e) vessels referred to in paragraphs (a), (b), (c) or (d) of this Section will not be eligible for initial documentation or re-documentation if, on January 1 of the year in which initial documentation or re-documentation is sought, such vessels are over 20 years of age, computed from completion of first construction;

(f) any vessel under construction provided, that, a vessel under construction may only be registered in the name of the party making application for such registration provided that:

(i) upon completion of the vessel under construction pursuant to the terms of the construction contract, such vessel shall meet the requirements of paragraphs (a),(b), (c), or (d) of this Section;

(ii) title to the vessel under construction has vested in the name of the party making application for registration under the terms of the construction contract in respect of such vessel;

(iii) there are no laws in the country in which the vessel is under construction restricting the right of the party applying for registration in the Republic to effect such registration;

(g) anything in this Section to the contrary notwithstanding, the ownership requirement referred to in Paragraphs (a), (b), (c) and (d); the minimum length restrictions referred to in Paragraphs (b), (c) and (d); and the 20-year maximum age limitation in Paragraph (e) of this Section, may be waived at the discretion of the Maritime Administrator and may be documented or re-documented where:

(i) the vessel meets all other applicable requirements for registration; and

(ii) it has been satisfactorily demonstrated that there is an absolute and genuine need for such waiver; and

(h) for vessels entering the registry or flag of the Republic, the Maritime Administrator, or its duly authorized agent, may for good cause shown, including but not limited to cases of international, civil, political or military crisis, temporarily suspend or modify the requirements of this Chapter with respect to registration as well as related requirements for recordation of instruments under Chapter 3, and for good cause shown, permit such vessels to be documented under this Chapter or cause such instruments to be recorded under Chapter 3. **[P.L. 1990-92, §20; repealed and replaced by P.L. 1992-32, §4(20); and amended by P.L. 2000-8, §203(e) and P.L. 2001-27, §203.][Subsection (f) inserted by P.L.2012-4]**

§204. Vessels not to be documented.

(1) Any vessel engaged solely in domestic commerce shall not be documented under the provisions of this Chapter. Vessels operated exclusively within the waters of the Republic shall be documented under the provisions of Chapter 9, Domestic Watercraft Act.

(2) Notwithstanding that any ship in respect of which an application for registration has been made is entitled to be documented, the Maritime Administrator, or its duly authorized agent, may refuse registration to a vessel if satisfied that after due consideration it would be detrimental to the interests of the Republic or of

international shipping for the vessel to be documented. **[P.L. 1990-92, §21; P.L. 2001-27, §204.]**

§205. Registration fees.

With respect to vessels registered under this Chapter, the Maritime Administrator shall establish by Regulation all necessary and proper registration fees. **[P.L. 1990-92, §22.]**

§206. Annual tonnage tax.

With respect to vessels registered under this Chapter, the Maritime Administrator shall establish by Regulation all necessary and proper annual tonnage taxes. **[P.L. 1990-92, §23.]**

§207. Title of ship's document.

The ship's document shall be called the "Certificate of Registry". **[P.L. 1990-92, §24.]**

§208. Conditions precedent to issuance of Permanent Certificate of Registry.

Upon receipt of the written application of an owner of a vessel eligible for documentation under the laws of the Republic and requesting the issuance of a Certificate of Registry for the vessel, accompanied by the oath or oaths required by Section 209 of this Chapter, the Maritime Administrator, by the Commissioner or any Deputy Commissioner, upon payment of the prescribed fees, may issue a Permanent Certificate of Registry for the vessel provided that the owner furnish proof satisfactory to the issuing officer:

(a) as to its ownership of the vessel;

(b) that any foreign marine document for the vessel has been surrendered with the consent of the government that had issued it, or has been legally canceled or otherwise terminated;

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

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

(e) that the markings of name, official number, home port and draft required by Section 230 of this Chapter have actually been made; and

(f) that a Certificate of Measurement as required by Section 251 has been issued. **[P.L. 1990-92, §25; P.L. 2001-27, §208.]**

§209. Oaths.

(1) In order to document a vessel, the owner, managing owner, part owner, or his agent, authorized by power of attorney where such vessel is owned by individuals, or in the case of a corporate-owned vessel by the president, vice president, secretary or assistant secretary of the corporation or other officer or agent as authorized in writing, shall take an oath declaring the name of the vessel, its net tonnage or tonnages, the place where built, the date when built, the name and residence of any other owner and his citizenship, each owner's proportion, and the name of the affiant and his citizenship.

The oath may be taken before the Commissioner, a Deputy Commissioner, a Special Agent or before a notary public or other officer authorized to administer oaths by the laws of the place where the oath is administered or before any other person designated by the Commissioner or a Deputy Commissioner for the administration of such oaths. Nothing contained in this section shall be construed to require the administration of an oath by a Marshall Islands or foreign consul.

The names of the persons owning shares in an incorporated company owning such vessel need not be stated. The oath of any other person interested and concerned in the vessel shall not be required. An agent or attorney who purchases any vessel shall take oath to the ownership of the vessel and that he is the agent or attorney for the owner and in such capacity has made such purchase in good faith.

(2) Whenever the document of any vessel is lost or destroyed, the Master, or other person in command, may take the following oath before the Commissioner or a Deputy Commissioner or a Special Agent or before a notary public or other officer authorized to administer oaths by the laws of the place where the oath is administered or before any other person designated by the Commissioner or a Deputy Commissioner for the administration of

such oaths at or nearest to the port where the vessel is first located after such loss or destruction:

"I, (insert the name of the person swearing) being Master or in command of the (insert type of vessel) or vessel called the (insert the name of the vessel), Official No. (insert No.) owned by (insert the name of the owner) of (insert domicile of the owner) do swear (or affirm) that the said vessel has been, as I verily believe, registered according to the law of the Republic of the Marshall Islands by the name of (insert again name of vessel), and that a Permanent (or Provisional) Certificate of Registry bearing No. (insert No. of lost Certificate) was issued for such vessel pursuant to the laws of the Republic of the Marshall Islands at (insert place of issuance of lost Certificate) on (insert date of issuance of lost Certificate), which Certificate has been lost (or destroyed); and that the same, if found, and within mypower, will be delivered up to the Maritime Administrator."

When an oath is taken in the foregoing form, the officer or person administering such oath shall grant to the vessel a temporary Provisional Certificate of Registry and insert therein that it is issued in lieu of the one lost or destroyed. Said officer or person shall forthwith send to the Maritime Administrator a written notice, accompanied by a copy of the oath, advising that such oath has been taken and such temporary Provisional Certificate issued. Upon receipt of such notice the Maritime Administrator, Deputy Commissioner or Special Agent upon being satisfied that the vessel is entitled to a Certificate of Registry, may grant a new Certificate of Registry, identical with that which was lost or destroyed. As soon as practicable after the issuance of such a Certificate of Registry, the temporary Provisional Certificate hereinbefore referred to must be surrendered to the Maritime Administrator for cancellation. **[P.L. 1990-92, §26; P.L. 2001-27, §209.]**

§210. Reserved.

§211. Forms of documents.

(1) The Maritime Administrator or its duly authorized agent may prescribe and furnish forms of Provisional and Permanent Certificates of Registry and construction certificate of Registry. A

vessel's documents shall be in the form prescribed by the Maritime Administrator.

(2) The Maritime Administrator or its duly authorized agent may prescribe endorsements that may be made on vessel documents from time to time, with or without issuance of a new document or surrender of the old document. **[P.L. 1990-92, §32; P.L. 2001-27, §211; Subsection (1) amended by P.L.2012-4]**

§212. Numbering of Registry Certificates.

The Maritime Administrator or its duly authorized agent shall progressively number the Registry Certificates granted by it, beginning anew at the commencement of each year, and shall make a record thereof in a book kept for that purpose. It shall also retain permanently copies of all such documents issued by or surrendered to him. **[P.L. 1990-92, §33.]**

§213. Provisional Registry Certificates to vessels abroad.

(1) Upon compliance with the requirements of Sections 214, 262 or 274 of this Chapter, a Provisional Certificate of Registry may be issued by the Maritime Administrator, by the Commissioner or any Deputy Commissioner or any Special Agent, to vessels abroad which are to be documented under this Chapter.

(2) Unless sooner revoked or suspended, a Provisional Certificate of Registry shall entitle the vessel to the privileges of a vessel of the Republic in the foreign trade for a period not exceeding two (2) years, as endorsed thereon.

(3) The Maritime Administrator or its duly authorized agent shall prescribe the conditions in accordance with which Provisional Certificates of Registry shall be issued and renewed and the manner in which they shall be surrendered in exchange for Permanent Certificates of Registry. **[P.L. 1990-92, §34.]**

§214. Conditions precedent to issuance of Provisional Certificate.

(1) Upon receipt by the office of the Maritime Administrator of the written application of an owner of a vessel eligible for documentation under the laws of the Republic and requesting the issuance of a Certificate of Registry for the vessel, accompanied by the oath or oaths required by Section 209 of this Chapter, and upon payment of

the prescribed fees to the officer receiving said application, the Maritime Administrator or any issuing official listed in Section 213 of this Chapter, may issue a Provisional Certificate of Registry for the vessel, provided the owner shall furnish proof satisfactory to the officer receiving said application:

(a) as to his ownership of the vessel;

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

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

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

(e) that the markings of names, official number, home port, and draft required by Section 230 of this Chapter, have either actually been made or that the owner has issued orders to the Master of the vessel to have said markings made immediately upon receipt of the Provisional Certificate of Registry of the Republic on board the vessel; and

(f) of third party liability insurance including, but not limited to, coverage for pollution liability risks, shipwreck removal, and the shipowners repatriation obligation under section 843 of this Act.

(2) Unless the owner within thirty days after issuance of the Provisional Certificate of Registry shall furnish satisfactory proof to the officer to whom the application for documentation has been presented, showing that the vessel's outstanding foreign marine document has actually been surrendered for cancellation and that the markings required by Section 230 of this Chapter, have actually been made, or if before such thirty (30) day period it is established that any of the obligations hereunder will not or cannot be complied with said

officer may declare said Provisional Certificate of Registry to be null and void.

(3) As soon as reasonably practicable after a measurement of the vessel and the surrender for cancellation of any outstanding foreign marine document of the vessel and the making of the markings required by Section 230 of this Chapter, a Permanent Certificate of Registry shall be issued in place of any Provisional Certificate theretofore issued, and such Provisional Certificate shall be surrendered as promptly as circumstances permit to the Maritime Administrator. When the Permanent Certificate is issued after the issuance of a Provisional Certificate, the charges originally paid shall be adjusted in accordance with the tonnage established by the Certificate of Measurement.

(4) For good cause shown the Maritime Administrator by the Commissioner or any Deputy Commissioner may, from time to time, issue a new Provisional Certificate of Registry for a period not exceeding two years. **[P.L. 1990-92, §35; P.L. 2001-27, §214.][Subsection (1)(f) is inserted by P.L.2009-16]**

§214A. Conditions precedent to issuance of Construction Certificate.

(1) Upon receipt by the office of the Maritime Administrator of the written application of an owner of a vessel under construction eligible for documentation under the laws of the Republic and requesting the issuance of a Construction Certificate of Registry for the vessel and upon payment of the prescribed fees to the officer receiving said application, the Maritime Administrator or any issuing official listed in Section 213 of this Chapter, may issue a Construction Certificate of Registry for the vessel, provided the owner shall furnish proof satisfactory to the Maritime Administrator or officer receiving said application:

(a) that the construction contract has been entered into (by providing a certified copy of the construction contract);

(b) that construction of the vessel under construction has begun or commenced; and

(c) that the party seeking registration of the vessel under construction has paid to the Maritime Administrator a sum equal to the initial registration fee.

(2) As soon as reasonably practicable after completion of the vessel under construction and the compliance with Sections 214 of this Chapter, a Provisional Certificate of Registry shall be issued in place of the Construction Certificate theretofore issued, and such Construction Certificate shall be surrendered as promptly as circumstances permit to the Maritime Administrator.**[inserted by P.L.2012-4]**

§215. Denial of document.

There shall be no documents granted or papers issued to any vessel until all applicable provisions of this Part have been complied with. **[P.L. 1990-92, §36.]**

§216. Sale of document forbidden.

A document shall be used solely on the vessel to which it is granted, and it shall not be sold, lent, or otherwise disposed of to any person. **[P.L. 1990-92, §37.]**

§§217-219. Reserved.

§220. Sale or transfer abroad.

A registered vessel sold or transferred in whole or in part while without the Republic, but without change of Flag, shall comply with the provisions of this Part relating to the documentation of vessels and a new document shall be obtained. **[P.L. 1990-92, §38.]**

§221. Transfer foreign.

The owner of a documented vessel which desires to transfer the vessel to foreign registry may do so provided that there are no unfulfilled obligations to the Republic in respect of the vessel. Before such transfer is accomplished the registered owner shall surrender the ship's document to the Maritime Administrator. **[P.L. 1990-92, §39.]**

§222. Application for surrender of documents.

Before a Certificate of Registry shall be accepted for surrender, the registered owner shall submit to the Maritime Administrator a written application specifying the name of the vessel, the reasons for the proposed surrender, the name and nationality of the proposed new owner, if any, and,

if a transfer to foreign registry is contemplated, the name of the country to whose registry transfer is desired. **[P.L. 1990-92, §40.]**

§223. Surrender and cancellation of Registry.

(1) If a registered vessel is lost, taken by an enemy, burned, broken up, or otherwise prevented from returning to the port to which she may belong, the Registry Certificate, if preserved, shall be delivered within eight (8) days after the arrival of the Master or person in command, to the Maritime Administrator.

(2) If a registered vessel is lost, broken up or transferred from the registry, the Maritime Administrator may, subject to the provisions of this Chapter, strike or delete the vessel from the Registry of the Republic.

(3) When the application is made for new registry of a vessel, its former Registry Certificate shall be delivered to the Maritime Administrator.

(4) Where a Registry Certificate is granted in lieu of one lost, the lost Certificate, if found, shall be delivered up to the Maritime Administrator, which shall thereupon cancel it. (5) The continued validity of the Registry Certificate of a vessel is subject to:

(a) the payment of tonnage taxes when due;

(b) the good standing of the owning entity; and

(c) verification for safety compliance,

If an owner or vessel is deemed to be non-compliant, the Certificate shall be delivered immediately to the Maritime Administrator, which shall thereupon cancel it. **[P.L. 1990-92, §41; P.L. 200127, §223.]**

§224. Surrender of document of vessel subject to Preferred Mortgage.

The Certificate of Registry of a vessel subject to a Preferred Mortgage shall not be accepted for surrender without the consent of the mortgagee, except in the case of a Provisional Certificate surrendered for the purpose of issuance of a Permanent Certificate. **[P.L. 1990-92, §42.]**

§225. New document.

(1) Whenever a documented vessel is sold or transferred wholly or partly without change of flag, or is altered in form or burden, by

being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, she shall be documented anew, by her former name. Every such sale or transfer shall be evidenced by a written instrument in the nature of a bill of sale to which is attached a true copy of the vessel's latest Certificate of Registry. Otherwise the vessel shall not be documented anew. In cases of a combination vessel that can be used either for the carriage of liquid cargo in bulk or dry cargo in bulk, if the Certificate of Registry shows the vessel in the condition or use providing the greater net and gross tonnage and has attached thereto an appendix showing the vessel in the other or use with the lesser gross and net tonnage, then a change of a vessel from one condition or use to the other would not require the vessel to be documented anew.

(2) When the Maritime Administrator determines that any vessel has been sold or transferred by process of law, and that her document is retained by the former owner, he may grant a new document under such sale upon the owner complying with the requirements of this Part, excepting only the delivering up of the former document. This Subsection shall not remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel on a transfer or sale of the same.

(3) Any vessel required by this Part to be documented anew, which is not so documented, shall not be deemed a vessel of the Republic. If a former document has not been delivered up, except where it has been lost or destroyed and the oath thereto has been taken, the owner of such vessel shall be subject to a penalty of not more than five thousand dollars (US$5,000) and until paid such penalty shall constitute a maritime lien on the vessel. **[P.L. 1990-92, §43; P.L. 2001-27, §225.][Amended by P.L.2013-7].**

§226. Builder's Certificate.

In order for the first time to register a vessel newly built and previously undocumented under any flag, the builder, by whom or under whose direction the vessel has been built, shall certify as follows:

(a) that it was built by him or under his direction;

(b) the place where built;

(c) the date delivered;

(d) the person for whom built;

(e) build;

(f) number of decks and masts;

(g) length;

(h) breadth;

(i) depth;

(j) tonnage or tonnages; and

(k) such other circumstances as are usually descriptive of the identity of a vessel. **[P.L. 1990-92, §44; P.L. 2001-27, §226.]**

§§227-229. Reserved.

§230. Names, numbers and marks on vessels.

(1) Every documented vessel shall have her name marked upon each bow and upon the stern. The home port of the vessel shall also be marked upon the stern. These names shall be painted or gilded upon beaded or cast Roman letters in light color on a dark background, or in a dark color on a light background, permanently affixed and distinctly visible. The smallest letters used shall not be less than six inches in height.

(2) Each vessel of the Republic, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters of not less than six inches in height, on each outer side of the pilot house.

(3) The Maritime Administrator may prescribe a system of numbering and marking documented vessels. The designated number(s) of each vessel shall be marked permanently on her main beam.

(4) The draft of every registered vessel shall be marked upon the stem and stern post, in English feet or in decimeters, in Arabic numerals. The bottom of each numeral shall indicate the draft to that line. **[P.L. 1990-92, §45; P.L. 2001-27, §230.]**

§231. Numbering of vessels.

Upon the initial registration of a vessel, the Maritime Administrator or its duly authorized agent shall assign to the vessel an official number. **[P.L. 1990-92, §46; P.L. 2001-27, §231.]**

§232. Change in name of vessel.

(1) The Maritime Administrator may change the name of a vessel of the Republic on application of the owner.

(2) The Maritime Administrator shall establish necessary Rules and Regulations and procure necessary evidence as to age, condition, where built, and pecuniary liability of the vessel so as to prevent injury to public or private interests. Upon granting permission the Maritime Administrator shall cause the order for changing of name to be published in at least four (4) issues of a newspaper at the place of documentation. The person desiring the change of name shall pay the cost of procuring evidence and advertising.

(3) The owners of the vessel shall pay the fee prescribed by the Maritime Administrator for securing such changes in name. These fees shall be based on the tonnage of the vessel.

(4) Whenever the name of a vessel of the Republic is changed, or any device advertisement, or contrivance is used with intent to deceive as to its true name or character such vessel shall be forfeited. **[P.L. 1990-92, §47; P.L. 2001-27, §232.]**

§233. Inspection of document.

Any officer designated by the Maritime Administrator, the Commissioner or a Deputy Commissioner, or who within the Republic is concerned in the collection of government revenue, may at all times inspect the Certificate of Registry and tonnage tax receipt of a vessel of the Republic. A Master who fails to exhibit the same, when required by such officer, shall be subject to a penalty of one thousand US dollars (US$1,000), and if his failure is willful shall be liable to a penalty of not more than ten thousand US dollars (US$10,000) or imprisonment for a term not exceeding one (1) year, or both. **[P.L. 1990-92, §48.][Amended by P.L.2013-7]**

§234. Display of ship's papers.

(1) Upon arrival during customary business hours of a documented vessel at any foreign port where there is an agent appointed by the Maritime Administrator, the Master, ship's agent or other authorized person shall, upon request thereof, display to him on board during customary business hours, without payment of any fee, the vessel's Certificate of Registry and Annual Tonnage Tax Receipt.

(2) Only the Certificate of Registry and Annual Tonnage Tax Receipt shall be required to be so displayed, and this requirement shall be waived when the vessel's papers have been so displayed in the same port within ninety (90) days previously.

(3) Where a request has been made and the ship's papers have not been properly displayed, the vessel shall not be detained by the agent appointed by the Maritime Administrator making the request, but such non-compliance shall be immediately reported to the Maritime Administrator.

(4) Whether local port regulations do or do not require clearance of a vessel from an agent appointed by the Maritime Administrator, it shall not be required in relation to such clearance that the signing on or off of crew or the execution of any ship's papers or documents be done before an agent appointed by the Maritime Administrator, or that any ship's papers or documents be witnessed, visaed, stamped or otherwise legalized by a representative appointed by the Maritime Administrator. **[P.L. 1990-92, §49; P.L. 2001-27, §234.]**

§235. Perjury.

(1) If any owner, agent, attorney-in-fact or other party (except for the Master) commits perjury in an oath or affirmation taken to obtain documentation of a vessel, such vessel, and her tackle, apparel and furniture shall be forfeited, or the value thereof recovered from such person.

(2) A Master who commits perjury in taking such oath or affirmation shall be subject to penalty of not more than ten thousand US dollars (US$10,000) or imprisonment for a term not exceeding one (1) year, or both; but the vessel shall not thereby be forfeited. **[P.L. 1990-92, §50; P.L. 2001-27, §235. Penalty provisions increased.][Amended by P.L.2013-7].**

§236. Rules and Regulations.

The Maritime Administrator is hereby authorized, in keeping with the provisions of Section 103 of this Title to make such Rules and Regulations, not inconsistent with the provisions of this Title, for the registration, identification and regulation of transfers of vessels as it may deem in the best interests of the Merchant Marine of the Republic. **[P.L. 1990-92, §51.]**

§237. Standards of seaworthiness.

The Maritime Administrator may from time to time establish by Regulation standards of seaworthiness required for the registration of vessels under this Chapter and may appoint Classification Societies or others to determine any questions involved. **[P.L. 1990-92, §52; P.L. 2001-27, §237.]**

§238. Collection of fees and taxes; penalties and liens.

(1) Except for yachts, fishing vessels and as otherwise provided therein, the tonnage tax imposed by Section 206 of this Part, while payable in advance and due on the first day of January in each year, may be paid without penalty in installments as follows:

(a) fifty percent (50%) on or before January 1; and

(b) the second fifty percent (50%) on or before July 1 of the year in respect of which such taxes are due.

Except as specifically designated by the Maritime Administrator through Regulation, There shall be no rebate or proration of tonnage tax and the entire annual tonnage tax shall be due in respect of a vessel which remains on the Register of the Republic for any portion of any calendar year. Any and all annual fees payable under the Maritime Regulations shall be paid in advance by January 1 of the year in respect of which such fees are due. A penalty at a rate established by Maritime Regulation shall be imposed for late payment of such fees and tax; such Regulation shall be promulgated before November 1 to take effect as of January 1 of the succeeding year, and the penalty rate thereby established shall be effective until altered by subsequent Regulation. If payment is delayed beyond July 1 of the year in respect of which such fees and tax are due, the Certificate of Registry of the vessel in question may be suspended and confiscated until all outstanding fees, taxes and penalties are

paid, or, in the alternative, the Certificate of Registry may be canceled by the Maritime Administrator.

(2) The Maritime Administrator is authorized to issue official receipts for annual tonnage taxes, annual fees, and any penalties relating thereto.

(3) All unpaid tonnage taxes, fees, penalties and other charges arising under this Act or Regulations made thereunder shall constitute a maritime lien on the vessel in respect of which such amounts are due, and anything in Section 316 of this Title to the contrary notwithstanding, such lien shall have priority over all others save those for wages and salvage.

(4) No Certificate of Registry shall be returned to the Master of a vessel by an officer of the Maritime Administrator with whom it may have been deposited until proof is furnished that the annual tonnage tax and annual fees for the then current year have been paid. **[P.L. 1990-92, §53; P.L. 2001-27, §238.][Amended by P.L.2013-8].**

§239. Jurisdiction and control of the Republic exclusive.

From the time of issuance of a Certificate of Registry under this Chapter and until its expiration, termination, revocation or cancellation, whichever first occurs, the vessel shall be granted and shall enjoy the right to fly the Flag of the Republic exclusively, unless its Certificate of Registry is specifically endorsed so as to withdraw that right. At all times during the period that a vessel has the right to fly the Flag of the Republic, the vessel shall be subject to the exclusive jurisdiction and control of the Republic as the Flag State, in accordance with the applicable international conventions and agreements and with the provisions of this Act and any Regulations or Rules made thereunder. **[P.L. 1990-92, §54.]**

§§240-249. Reserved.

PART II - VESSEL MEASUREMENT

§250. Measurement.

A vessel shall not be permanently registered until measured by a person appointed by the Maritime Administrator. **[P.L. 1990-92, §27.]**

§251. Certificate of Measurement.

The person or agent appointed under Section 250 of this Chapter, to measure a vessel shall certify, specifying the building of the vessel, number of decks and masts, length, breadth, depth, tonnage or tonnages, and such other particulars usually descriptive of the identity of a vessel, and that the markings required by Section 230 of this Chapter have actually been made. **[P.L. 1990-92, §28.]**

§252. Measurement of vessels.

The Maritime Administrator shall by Regulation prescribe the method of measurement for all vessels registered under this Chapter. **[P.L. 1990-92, §27.]**

§253. Reserved. [P.L. 2001-27, §253. Terminated, no longer statutorily applicable.]

§254. Tonnage statements in Registry Certificate.

(1) Each ship's permanent document shall state the gross and net tonnage or tonnages determined in accordance with such Rules and Regulations as the Maritime Administrator may prescribe.

(2) Upon application by the owner or Master of a vessel of the Republic in foreign trade, the Maritime Administrator or its duly authorized agent may attach to the document an appendix stating separately, for use in foreign ports, the measurement of such space or spaces as are there permitted to be deducted from gross tonnage or tonnages. **[P.L. 1990-92, §31.]**

§§255-259. Reserved.

PART III - BAREBOAT CHARTER - REPUBLIC OF THE MARSHALL ISLANDS REGISTRATION

§260. Recording of bareboat charter party.

(1) A citizen or national of the Republic or a foreign maritime entity that qualifies in the Republic, desiring to obtain provisional registration under this Act of a vessel which such citizen or national or foreign maritime entity possesses by bare-boat charter, and which in all respects other than ownership complies with the requirements of Part

I of this Chapter, must cause a true copy of the charter party to be duly recorded in books to be kept for that purpose and indexed to show:

(a) the name of the vessel;

(b) the names of the bareboat charterer, the shipowner and the holders of any registered mortgages, hypothecations or similar charges;

(c) the time and date of recording of the charter party; and

(d) the period of duration of the charter party; and (e) the foreign State of registration of the vessel.

(2) The following documents must be filed with the Office of the Maritime Administrator:

(a) an official certificate from the foreign State of registration setting forth the ownership of the vessel and any recorded encumbrances;

(b) the written consents of the shipowner and of the mortgagee(s), if any, to the provisional registration of the vessel in the Republic under this Part; and

(c) satisfactory evidence that the foreign State of registration will withdraw from the vessel the right to fly the flag of that State while the vessel is subject to the bareboat charter recorded under Subsection (1) of this Section.

(3) Any subsequent amendments or addenda to the charter party recorded under Subsection (1) of this Section and any and all present or subsequent bareboat subcharter parties shall be submitted for recording within thirty (30) days of execution. **[P.L. 1990-92, §55; P.L. 2001-27, §260.]**

§261. Undertaking of bareboat charterer.

The bareboat charterer shall execute under oath or affirmation an undertaking that while the vessel is granted the right to fly the Flag of the Republic she will not fly any other flag nor show any home port other than Majuro, and that the bareboat charterer will without delay notify the Office of the Maritime Administrator if any foreign State shall accord the vessel the right to fly its flag. **[P.L. 1990-92, §56.]**

§262. Bareboat charter; Certificate of Registry.

(1) When the charter party has been recorded and an application for registration of the vessel has been executed and filed by the bareboat charterer together with all necessary documents and payment of all taxes and fees, the Maritime Administrator shall issue to the vessel a Provisional Certificate or Registry, valid for a period not exceeding two (2) years or until the date of termination of the bareboat charter, whichever first occurs.

(2) Prior to the expiration of the current Provisional Certificate of Registry, the bareboat charterer may obtain a new Provisional Certificate of Registry, valid for a period not exceeding two (2) years. In no case may a Provisional Certificate of Registry reissued under this Subsection bear an expiration date later than or remain valid beyond the date of termination of the bareboat charter. **[P.L. 1990-92, §57; P.L. 2001-27, §262.]**

§263. Penalty for flying foreign flag; termination of Marshall Islands registration.

(1) If the bareboat charterer breaches the undertaking given under Section 261 of this Chapter, or if a vessel while registered under any provisions of this Chapter shall be found flying or pretending entitlement to fly the flag of a foreign State without first complying with Sections 270 and 271 of this Chapter, the owner and/or bareboat charterer shall be liable to pay an administrative penalty not to exceed fifty thousand dollars (US$50,000), which shall until paid constitute a maritime lien upon the vessel. Such penalty may be imposed without regard to any other penalties for perjury or fraud.

(1) The bona-fide grant by a foreign State of the right to fly the flag of that State shall, from the time of such grant, terminate provisional registration of a vessel in the Republic under Section 262 of this Part, but shall not terminate registration of a vessel of the Republic under any other Section of this Chapter. **[P.L. 1990-92, §58.]**

§264. Recognition and recordation of notice of foreign ship mortgage.

(1) Without prejudice to the continuing foreign legal status of a ship mortgage, hypothecation or similar charge made and registered in accordance with the laws of a foreign State, a notice may be recorded

in the central office of the Maritime Administrator in the United States of America, that such mortgage exists.

(2) No notice in respect of a ship mortgage, hypothecation or similar charge, or any other instrument related thereto shall be accepted for recording under this Section unless it has first been duly and validly executed and registered in the foreign State of registration of the vessel. If there is more than one such mortgage, hypothecation or similar charge, then notices in respect of all such instruments may be recorded under the provisions of this Section in the same order as they are registered in the foreign State of registration.

(3) If notice in respect of a foreign mortgage, hypothecation or similar charge has been recorded pursuant to Subsection (1) of this Section, then any subsequent mortgage, hypothecation or similar charge and any other instrument related thereto which is subsequently registered in accordance with the laws of the foreign State of registration of the vessel shall also be recorded forthwith in accordance with the provisions of Chapter 3 of this Title. **[P.L. 1990-92, §59. Reference to New York clarified. P.L. 2001-27, §264.]**

§§265-269. Reserved.

PART IV - BAREBOAT CHARTER - FOREIGN REGISTRATION

§270. Bareboat charter registration in foreign State.

No vessel registered under the provisions of this Chapter may obtain valid bareboat charter registration in a foreign State unless the owner first applies for and receives the permission of the Maritime Administrator or its duly authorized agent. **[P.L. 1990-92, §60; P.L. 2001-27, §270].**

§271. Consent of mortgagee.

In the event that the vessel is subject to one or more Preferred Ship Mortgages of the Republic, the written consent of each mortgagee to the foreign bareboat charter registration shall be duly filed prior to issuance of a Certificate of Permission under Section 272 of this Chapter. **[P.L. 1990-92, §61.]**

§272. Certificate of Permission.

Upon granting permission under Section 270 of this Part, for a vessel of the Republic to obtain bareboat charter registration in a foreign State, the Maritime Administrator or its duly authorized agent shall issue a Certificate of Permission to obtain such registration. **[P.L. 1990-92, §62; P.L. 2001-27, §272.]**

§273. Right to fly the flag of the Republic withdrawn.

(1) The Certificate of Permission for bareboat charter registration in a foreign State shall declare that the right to fly the Flag of the Republic and to show the home port of Majuro is withdrawn while the vessel is subject to the bareboat charter identified in the Certificate. The Certificate shall also state that the Republic recognizes the named foreign State as the competent authority to exercise exclusive jurisdiction and control over the vessel in accordance with the applicable international conventions and agreements.

(2) Notwithstanding that the right to fly the Flag of the Republic shall have been withdrawn during the period of bareboat charter registration in the foreign State, in the event that the vessel remains subject to one or more Preferred Ship Mortgages recorded under this Title, such mortgage shall, unless satisfied, released or discharged of record, remain in full force and effect and be governed solely and exclusively by the laws of the Republic of the Marshall Islands. **[P.L. 1990-92, §63.]**

§274. Restricted Certificate of Registry.

(1) Once a Certificate of Permission has been issued under Section 272 of this Part, the owner of the vessel shall surrender her current Certificate of Registry, and a new Provisional Certificate of Registry shall be issued to the vessel, boldly endorsed to show that the right to fly the Flag of the Republic has been withdrawn. The endorsed Provisional Certificate of Registry, together with all other documents and certificates issued by the Republic to the vessel, shall be surrendered to and retained by the Maritime Administrator.

(2) Prior to the expiration of the current Provisional Certificate of Registry, the owner may obtain a new Provisional Certificate of Registry valid for a further period not exceeding two (2) years. In no case may a Provisional Certificate of Registry issued under this

Subsection bear an expiration date later than or remain valid beyond the date of termination of the bareboat charter. **[P.L. 1990-92, §64; P.L. 2001-27, §274.]**

PART V - YACHT REGISTRATION

§275. Documentation of yachts.

A private or commercial yacht is entitled to be registered if:

(a) it is owned, to the prescribed extent, by a citizen or national of the Republic, or a foreign maritime entity qualified in the Republic;

(b) such other conditions are satisfied as are prescribed under Part I and Part II of this Chapter;

(c) a certificate of survey, statement of compliance or similar document, is received from the yacht owner; and

(d) an application for yacht registration is duly made. **[P.L. 2001-27, New yacht provision.]**

§276. Yacht Certificate of Registry.

Upon receipt by the office of the Maritime Administrator of the written application of an owner of a yacht eligible for documentation under the laws of the Republic and requesting the issuance of a Yacht Certificate of Registry for the vessel, accompanied by the oath or oaths required by Section 209 of the Chapter, and upon payment of the prescribed fees to the officer receiving said application, the Maritime Administrator or its duly authorized agent, may issue a Yacht Certificate of Registry for the yacht. **[P.L. 2001-27. New yacht provision.]**

§277. Continuing validity of Yacht Certificate of Registry.

All Private and Commercial Yacht Certificates of Registry issued under this Chapter, although issued without an expiration date, shall be subject to annual revalidation. The continued validity of the Yacht Certificate of Registry shall be contingent upon:

(a) the good standing of the owning entity;

(b) the payment of tonnage taxes and all outstanding fees and penalties when due; and (c) the completion of annual safety

inspections, if applicable, by the anniversary date of initial issue verifying compliance with the relevant requirements of this Chapter and the applicable Rules and Regulations established by the Maritime Administrator. **[P.L. 2001-27, New yacht provision.]**

§278. Refusal and termination of registration.

(1) The Maritime Administrator may, nevertheless, refuse to register or terminate the registration of a yacht if, taking into consideration the relevant requirements of this Chapter and the applicable Rules and Regulations, it is considered inappropriate for the yacht to be or remain to be registered under the laws of the Republic.

(2) Registration shall automatically terminate with the failure to maintain the continued validity of the Yacht Certificate of Registry. **[P.L. 2001-27. New yacht provision.]**

PART VI - FISHING VESSEL REGISTRATION

§279. Fishing vessel documentation.

(1) A fishing vessel is entitled to be registered if:

(a) it is owned, to the prescribed extent, by a citizen or national of the Republic, or a foreign maritime entity qualified in the Republic;

(b) such other conditions are satisfied as are prescribed under Part I and Part II of this Chapter;

(c) a certificate of survey, statement of compliance or similar documentation, is received from the owner; and

(d) an application for fishing vessel registration is duly made.

(2) The Maritime Administrator shall document fishing vessels in the same manner as any other vessel engaged in foreign trade subject to the Rules and Regulations established by the Maritime Administrator, and to the laws and treaty obligations of the Republic. **[P.L. 2001-27, New fishing vessel provision.]**

§280. Refusal and termination of registration.

(1) The Maritime Administrator may, nevertheless, refuse to register a fishing vessel if, taking into consideration the relevant requirements of this Chapter and the applicable Rules and Regulations established by the Maritime Administrator, it is considered inappropriate for the fishing vessel to be registered under the laws of the Republic.

(2) The Maritime Administrator may terminate a fishing vessel's registration if:

(a) having given regard to matters relating to subsection (1) above, it would be detrimental to the interests of the Republic or of international shipping for a registered fishing vessel to continue to be registered;

(b) a penalty imposed on the owner of a registered fishing vessel in respect of a contravention of this Title, or of any instrument in force under this Title, has remained unpaid for a period of more than three (3) months;

(c) the annual tonnage tax has remained unpaid for a period of more than one (1) year; or

(d) the vessel becomes a total or constructive total loss. **[P.L. 2001-27, New fishing vessel provision.]**