

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

33RD CONSTITUTIONAL REGULAR SESSION, 2012

BILL NO.: 17

P.L. 2012-4

1 AN ACT

2
3 to amend 102, 107, 109, 112, 203, 211, 303 of the Republic of the Marshall Islands Maritime
4 Act (the "Act") and to add a new section 214A to the Act.
5

6 BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL
7 ISLANDS:

8 Section 1. Short Title

9 This Act may be cited as the Maritime (Amendment) Act, 2012.

10 Section 2. Amendments

11 (1) Section 102(2) of the Act is amended to read as follows:

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

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

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

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

1 (4) All matters affecting the internal order and economy of vessels registered under the
2 laws of the Republic engaged in foreign trade and domestic commerce, including labor relations,
3 shall be governed by this Title.

4
5 (2) Section 107(d) of the Act is amended to read as follows:

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

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

11 (a) bills of sale and other instruments of conveyance of vessels;

12 (b) mortgages of vessels;

13 (c) assignments of mortgages;

14 (d) certificates of permanent and provisional registry and construction
15 certificates of registry;

16 (e) licenses and certificates of officers and members of ship's crew;

17 (f) all other documents relating to vessels and which are entitled to recordation.

18
19 (3) Section 109 of the Act is amended to read as follows:

20 **§109. Authority to issue licenses, certificates and other documents.**

21 (1) The Commissioner, each Deputy Commissioner or their duly authorized agents on
22 behalf of the Maritime Administrator are authorized to issue all such licenses, certificates, or

1 other documents for officers and ship's personnel on vessels of the Republic engaged in foreign
2 trade that are subject to the International Convention on Standards of Training, Certification and
3 Watchkeeping, 1978, as amended and revised from time to time (STCW Convention), necessary
4 or proper for carrying out the purposes of this Title, and any Rule or Regulation promulgated in
5 furtherance hereof or of any International Convention, Code or Agreement to which the Republic
6 is or may become a party.

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

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

15 (4) Failure of an owner of a vessel, other than a vessel under construction, of the
16 Republic to ensure that each officer employed on the vessel is the holder of a valid license of
17 competence of the Republic to fill the position held by him shall subject the owner to a fine of
18 seven hundred fifty dollars (US\$750) for each officer so employed who is not the holder of such
19 license of the Republic. Where such failure is admitted or is established by any required report,
20 the fine shall be automatic. If, however, a proper license of the Republic for each such officer is
21 obtained within thirty (30) days of notice from the Maritime Administrator, the fine with respect