

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
44TH CONSTITUTIONAL REGULAR SESSION, 2023



Republic of the Marshall Islands
Jepilpilin Ke Ejukaan

MARITIME ADMINISTRATION, DOCUMENTATION
AND IDENTIFICATION OF VESSELS AND PREFERRED
SHIP MORTGAGES AND MARITIME LIENS
(AMENDMENT) ACT 2023

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1 NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS
2 4ND CONSTITUTIONAL REGULAR SESSION, 2023



3 Republic of the Marshall Islands
4 *Jepilpilin Ke Ejukaan*

5 **MARITIME ADMINISTRATION, DOCUMENTATION
6 AND IDENTIFICATION OF VESSELS AND PREFERRED
7 SHIP MORTGAGES AND MARITIME LIENS
8 (AMENDMENT) ACT 2023**

9 **AN ACT** to amend Title 47, Chapter 1, Chapter 2 and Chapter 3 of the Marshall
10 Islands Revised Code (MIRC).

11 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS**

12 **§101. Short title.**

13 This Act may be cited as the Maritime Administration, Documentation and
14 Identification of Vessels and Preferred Ship Mortgages and Maritime Liens
15 (Amendment) Act, 2023.

16 **§102. Amendments**

17 (1) Chapter 1: New section 119 of Title 47, Chapter 1, of the MIRC is hereby added
18 to read as follows:

19 **§119. Instrument or document form, signature, and delivery.**

20 (1) Any instrument or document which may be registered, filed, recorded,
21 or otherwise submitted to the Maritime Administrator as contemplated
or governed by this Title shall be in the form of a written document. An
electronic or digital transmission or copy shall be deemed the equivalent
of a written or original document and shall be accepted as may be
prescribed by Regulation.

1 (2) The signature to any instrument may be a manual, electronic, or digital
2 signature. An instrument executed by an electronic or digital signature
3 may be acknowledged in accordance with Regulation.
4

5 (2) Chapter 2: Section 225 (1) of Title 47, Chapter 2, of the MIRC is hereby
6 amended to read as follows:

7 **§225. New document.**

8 (1) Whenever a documented vessel is sold or transferred wholly or partly
9 without change of flag, or is altered in form or burden, by being
10 lengthened or built upon, or from one denomination to another, by the
11 mode or method of rigging or fitting, she shall be documented anew.
12 Every such sale or transfer shall be evidenced by a written instrument in
13 the nature of a bill of sale. Otherwise the vessel shall not be documented
14 anew. In cases of a combination vessel that can be used either for the
15 carriage of liquid cargo in bulk or dry cargo in bulk, if the Certificate of
16 Registry shows the vessel in the condition or use providing the greater
17 net and gross tonnage and has attached thereto an appendix showing the
18 vessel in the other or use with the lesser gross and net tonnage, then a
19 change of a vessel from one condition or use to the other would not
20 require the vessel to be documented anew.
21

22 (3) Chapter 3: Section 302, 304, 306, 307, and 314 of Title 47, Chapter 3, of the
23 MIRC are hereby amended to read as follows:

24 **§302. Recording and contents.**

25 (1) A sale, conveyance, hypothecation, mortgage or assignment of
26 mortgage of any vessel shall not be valid in respect of such vessel,
27 against any person other than the grantor or mortgagor, his heirs
28 or devisees and persons having actual notice thereof until the
29 instrument evidencing such transaction is recorded in the central
30 office of the Maritime Administrator, in the United States of
31 America, or by its duly authorized agent elsewhere. For the
32 purposes of this subsection, a mortgage that provides that such
33 mortgage shall only become valid and effective upon its recording
34 with the central office of the Maritime Administrator in the
35 United States of America, or by its duly authorized agent
36 elsewhere, shall be valid and effective at the time of recording.

- 1 (2) Each duly authorized agent of the Maritime Administrator,
2 wherever located, shall have full authority to record such
3 instrument or instruments.
- 4 (3) The central office of the Maritime Administrator in the United
5 States of America, or its duly authorized agent elsewhere, shall
6 record sub instruments which meet all recording requirements in
7 the order of their reception in appropriate indexes to be kept for
8 that purpose, showing:
- 9 (a) The name of the vessel;
10 (b) The name of the parties;
11 (c) The time and date of recordation of the instrument
12 affected;
13 (d) The interest in the vessel transferred or affected; and
14 (e) The amount or amounts of the direct or contingent
15 obligations, including those provided for in Section 309 of
16 this Chapter, that are or may become secured by the
17 mortgage.

18
19 **§304. Termination of mortgagee's interest.**

- 20 (1) The interest of a mortgagee in a vessel registered under this Title shall
21 not be terminated by a forfeiture of the vessel for a violation of any law
22 of the Republic, unless the mortgagee authorized, consented, or
23 conspired to effect the illegal act, failure, or omission which constituted
24 such violation.
- 25 (2) A vessel which is the subject of a Preferred Mortgage may not be
26 cancelled from the Register for so long as the indebtedness secured by
27 the Preferred Mortgage remains unsatisfied or the Mortgage is not
28 otherwise discharged; provided however, that the Maritime
29 Administrator may immediately strike a vessel following receipt of
30 evidence that the vessel has engaged in illegal activity or actions against
31 the interests of the Maritime Administrator or the Republic; and the
32 Maritime Administrator may also, not less than 60 days following the
33 mailing of notice to all mortgages or record at their last known mailing
34 addresses of its intent to do so, strike a vessel from the Registry and Flag
35 of the Republic as a result of receipt by it of evidence satisfactory to it
36 that the vessel has been lost, destroyed, or transferred to another registry

1 following sale by order of an Admiralty Court in a civil action in rem;
2 such administrative actions by the Maritime Administrator shall not
3 impair or affect the lien or status of any Preferred Mortgage recorded
4 under this Chapter, nor shall it terminate the interest of a mortgagee in
5 such a vessel.

6 **§306. Bill of sale; recording**

7 The central office of the Maritime Administrator in the United States of
8 America or its duly authorized agent elsewhere may accept for recording
9 any bill of sale or other conveyance of a vessel or facsimile thereof, the
10 original of which has been received by a Commissioner, any Deputy
11 Commissioner or any Special Agent, which recites the interest of the seller in
12 the vessel and the interests sold or conveyed, provided it has previously
13 been acknowledged or is submitted with such other proof of due execution
14 as may be required by Regulation.

15 **§307. Mortgages, recording.**

16 The central office of the Maritime Administrator in the United States of
17 America, or its duly authorized agent elsewhere, may accept for recording
18 any mortgage on a vessel, whenever made, which recites the interest of the
19 mortgagor in the vessel and the interest so mortgages, provided it bears the
20 Hague Convention apostille or has been acknowledged or is submitted with
21 such other proof of due execution as may be required by Regulation, and
22 provided further that written proof is furnished to it of the amounts and
23 dates of any documents or evidence of debts in support thereof. The
24 foregoing requirement of written proof or evidence of debt may be satisfied
25 by attaching to the mortgage the documents evidencing such debt (whether
26 in whole, in part or with or without redactions), or by describing the terms
27 of the debt in the mortgage, including the total amount. The central office of
28 the Maritime Administrator or its duly authorized agent elsewhere shall
29 record a mortgage or related instrument submitted to it in proper form, and
30 shall thereupon, upon request, issue a Certified Extract of the Preferred
31 Mortgage Index of the public register maintained by the Maritime Mortgage
32 Administrator, as evidence of recordation of a Preferred Ship Mortgage
33 under this Chapter. A Certificate of Ownership and Encumbrance shall
34 upon timely request be issued by the central office of the Maritime
35 Administrator or its duly authorized agent elsewhere, setting forth all
36 recorded mortgages, encumbrances and related instruments with respect to
37 a vessel registered under this Title as of the time and date of its issuance.

1
2 **§314. Notice of Mortgage, Certificate of Registry; exhibition**

3 (1) Upon recording a Preferred Mortgage, the mortgagor shall place and use
4 due diligence to retain a Notice of Mortgage on board the mortgaged
5 vessel. Such Notice of Mortgage and the document of the vessel shall be
6 exhibited by the Master to any person having business which may give
7 rise to a maritime lien or to the sale, conveyance, or mortgage of the
8 vessel.

9 (2) The licence of a Master who wilfully fails to exhibit such documents and
10 copy of mortgage may be suspended or revoked.

11 **§103. Effective Date**

12 This Act shall take effect on the date of certification in accordance with the
13 Constitution and the Rules of Procedures of the Nitijela.
14


15 **CERTIFICATE**

16 **I hereby certify:**

17 1. That Nitijela Bill No: **46ND1** was passed by the Nitijela of the Republic of the
18 Marshall Islands on the **24th** day of **March** 2023; and

19 2. That I am satisfied that Nitijela Bill No: **46ND1** was passed in accordance
20 with the relevant provisions of the Constitution of the Republic of the Marshall
21 Islands and the Rules of Procedures of the Nitijela.

22 I hereby place my signature before the Clerk this **10th** day of **April** 2023.

23
24 

25 **Kenneth A. Kedi**

26 Speaker

27 Nitijela of the Marshall Islands

23 **Attest:**

24 

25 **Morean S. Watak**

26 Clerk

27 Nitijela of the Marshall Islands