

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

34TH CONSTITUTIONAL REGULAR SESSION, 2013

BILL NO.: 22

P. L. 2013-7

1 AN
2 ACT

3
4 to amend Title 47 of the Marshall Islands Revised Code, by amending sections 109, 115, 152,
5 153, 225, 233, 235, 313, 607, 709, 821, 822, 827, 831, 842, 849, 850, 852, and 863 of the
6 Republic of the Marshall Islands Maritime Act 1990 (the "Principal Act").
7

8 **BE IT ENACTED BY THE NITIJELA OF THE REPUBLIC OF THE MARSHALL**
9 **ISLANDS:**

10 Section 1. **Short Title**

11 This Act may be cited as the Maritime (Amendment) Act (No.2), 2013.

12 Section 2. **Amendments**

13 (1) Section 109 of the Principal Act is amended to read as follows:

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

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

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

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

9 (4) Failure of an owner of a vessel of the Republic to ensure that each officer employed on
10 the vessel is the holder of a valid license of competence of the Republic to fill the position held
11 by him shall subject the owner to a fine of one thousand five hundred US dollars (US\$1,500) for
12 each officer so employed who is not the holder of such license of the Republic. If, however, a
13 proper license of the Republic for each such officer is obtained within thirty (30) days of notice
14 from the Maritime Administrator, the fine with respect thereto may be waived by the Maritime
15 Administrator. Until paid, such fine(s) shall constitute a maritime lien on the vessel.

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17 (2) Section 115 of the Act shall be amended as follows:

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

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

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

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

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

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

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

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