

NITIJELA OF THE REPUBLIC OF THE MARSHALL ISLANDS

33<sup>RD</sup> CONSTITUTIONAL REGULAR SESSION, 2012

BILL NO.: 17

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P.L. 2012-4

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1 AN ACT

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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.  
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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

1 thereto shall be remitted. Until paid or remitted, each fine shall constitute a maritime lien on the  
2 vessel.

3

4 (4) Section 112 of the Act is amended by adding the following definitions in alphabetical  
5 order in relation to the current definitions and any other amendments to this section,  
6 renumbering the subsections accordingly:

7 **§112. Definitions.**

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

10 (2) The words “vessel under construction”, as used throughout this Title, shall mean a  
11 hull or one or more other structures, assemblies, components, modules, or other property on  
12 which physical construction or assembly work has begun or commenced pursuant to a  
13 construction contract to which the applicant for registration is a party as evidenced by the laying  
14 of the keel or similar act as may be determined in Rules and Regulations promulgated by the  
15 Maritime Administrator, which hull, structure(s), assembly(ies), component(s), modules, or other  
16 property is or are designed and intended cumulatively to become and be, upon completion, one  
17 single vessel, and shall also mean and include all materials, parts, components, equipment, or  
18 other property (1) incorporated therein or attached thereto, or (2) in the possession or control of  
19 the builder and either (i) identified thereto or to the vessel construction contract by markings,  
20 physical segregation, records, or otherwise, or (ii) otherwise intended to be incorporated in or  
21 attached to the completed vessel pursuant to the terms of the vessel construction contract  
22 collectively comprising the whole of the vessel.

1

2 **(5)** Section 203 of the Act is amended to read as follows:

3 **§203. Vessels eligible to be documented and re-documented.**

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

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

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

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

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

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

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

1 recordation of instruments under Chapter 3, and for good cause shown, permit such vessels to be  
2 documented under this Chapter or cause such instruments to be recorded under Chapter 3.

3

4 (6) Section 211(1) of the Act is amended to read as follows:

5 **§211. Forms of documents.**

6 (1) The Maritime Administrator or its duly authorized agent may prescribe and furnish  
7 forms of Provisional and Permanent Certificates of Registry and Construction Certificates of  
8 Registry. A vessel's documents shall be in the form prescribed by the Maritime Administrator.

9 (2) The Maritime Administrator or its duly authorized agent may prescribe endorsements  
10 that may be made on vessel documents from time to time, with or without issuance of a new  
11 document or surrender of the old document.

12

13 (7) A new section 214A is added immediately following current section 214 of the Act to  
14 read as follows:

15 **§214A. Conditions precedent to issuance of Construction Certificate.**

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

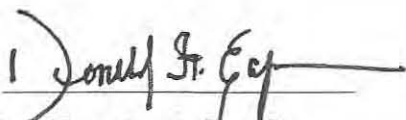
CERTIFICATE

I hereby certify:

1. That Nitijela Bill No.17 was passed by the Nitijela of the Republic of the Marshall Islands on the 5<sup>th</sup> day of October, 2012; and
2. That I am satisfied that Nitijela Bill No.17 was passed in accordance with the relevant provisions of the Constitution of the Republic of the Marshall Islands and the Rules of Procedures of the Nitijela.

I hereby place my signature before the Clerk this 16<sup>th</sup> day of October 2012.

Attest:



Hon. Donald F. Capelle  
Speaker  
Nitijela of the Marshall Island



Tadashi Lometo  
Clerk  
Nitijela of the Marshall Islands