

**CHAPTER 9.****DOMESTIC WATER CRAFTS****ARRANGEMENT OF SECTIONS****Section:****PART I - SHORT TITLE; PURPOSE AND APPLICATION.**

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This Chapter 9 contains Parts I and II of the old Title 34 MIRC 6 as amended by the Domestic Watercraft (Amendment) Act, P.L. 2000-7, governing the regulation, registration, inspection, and licensing of domestic commercial and pleasure watercrafts operating within the waters of the Republic of the Marshall Islands.

Commencement: September 30, 1992

Source: P.L. 1992-26

P.L. 2000-7

P.L. 2001-27

**PART I - PURPOSE AND APPLICATION****§901. Short Title**

This Act may be cited as the Domestic Water Crafts Act, 1992. [P.L. 1992-26, §1]

**§902. Purpose.**

(1) The Nitijela believes that it is in the best interest of the Republic to encourage and promote the safe operation of commercial and pleasure watercraft operated within the Republic; to preserve and protect the marine environment of the Republic affected by the operation of commercial and pleasure watercraft within its waters; and to regulate the orderly growth and development of a uniform national program of maritime safety, inspection and documentation of vessels operated within the territorial waters and exclusive economic zone of the Republic. [P.L. 2001-27, §901. **New domestic watercraft chapter.**]

**§903. Application; definition.**

(1) This Chapter shall apply to any vessel operating exclusively within the waters of the Republic which is not duly and properly documented or registered elsewhere.

(2) The general provisions of Chapter 2, Parts I and II, and Chapter 3 of this Title may be applied, as deemed appropriate, to registrations under this Chapter.

(3) Vessels registered pursuant to this Chapter shall be known as Domestic Watercraft.

(4) For purposes of this Chapter, the term

(i) "Minister" means the Minister to whom the subject of Transportation and Communications has been assigned by the President, unless otherwise expressly stated;

(ii) "Maritime Administrator" means the Republic of the Marshall Islands Maritime Administrator appointed by Cabinet under Chapter 1 of the Title.

(iii) "Waters of the Republic" shall mean the Internal Waters, Territorial Waters, and Exclusive Economic Zone as defined in the Marine Zones (Declaration) Act 1984. [P.L. 2001-27, §902.]

**§904. Restrictions.**

(1) Registration under this Chapter is valid only within the waters of the Republic. Anytime a vessel intends to leave the waters of the Republic, it must surrender all registration documents issued under this Chapter, and if applicable, re-register under the appropriate provisions of Chapters 1, 2 and 3 of this Title.

(2) All registration documents issued shall clearly state that they are valid only within the waters of the Republic.

(3) The Minister may, when necessary, issue a written waiver of the restrictions imposed by this Section. [P.L. 2001-27, §903.]

**§905. Administration; regulations.**

(1) The Minister shall carry out the provisions of this Chapter and those of any other applicable Chapter of this Title if the provisions therein relate specifically to Domestic Watercraft.

(2) The Minister shall prepare for the approval of the Cabinet any and all Rules and Regulations necessary and proper to implement the numbering and documentation of domestic watercraft; ensure their safety and fitness; the safeguarding of the environment and the prevention of marine pollution by domestic watercraft; the certification and training of their crews; the formulation and enforcement of standards and rules for their crews and equipment; the supervision and maintenance of adequate safety and sanitary conditions on board; and other matters as may be required for the effective administration of this Chapter.

(3) The Minister shall consult with other Ministries and Authorities of the Government and the Maritime Administrator, as identified in Chapter 1 of this Title, to assure coordination of regulation and enforcement. Such regulations shall be subject to the Marshall Islands Administrative Procedures Act. [P.L. 2001-27, §904.]

**§906. Authority to issue licenses, certificates and seafarer identification books.**

(1) The Minister is authorized to issue all such licenses, certificates and seafarer identification

books for officers and ship's personnel on vessels involved solely in domestic commerce within the waters of the Republic pursuant to this Chapter, including the vessel types, characteristics and operation subjecting the ship's personnel to the provisions of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time.

(2) The Minister shall establish a Board of Marine Inspectors to determine the qualifications of all applicants for licensing, certification and seafarers' identification for those vessels which do not come under the provisions of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time.

(3) For the purposes of this Chapter, the Minister may delegate the Maritime Administrator to establish the qualifications of all applicants for licensing, certification and seafarers' identification for ship's personnel serving aboard vessels which are subject to the provisions of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time, including those vessels engaged solely in domestic commerce within the waters of the Republic.

(4) Ship's personnel serving on board the following categories of vessels shall be exempt from compliance with the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time, while remaining subject to the regulations promulgated by the Minister in fulfillment of the purposes of this Chapter:

- (a) Fishing vessels;
- (b) Government vessels engaged in non-commercial service (however, persons serving on board such ships must meet the requirements of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time, so far as is reasonable and practicable);
- (c) Ships which navigate exclusively in inland waters or closely adjacent to sheltered waters (e.g. lagoons);
- (d) Pleasure yachts not engaged in trade;
- (e) Wooden ships of primitive build;
- (f) Engineer officers and engine ratings serving on commercial vessels less than 750 kw propulsion power; and
- (g) Deck ratings serving on commercial vessels less than 500 gross tonnage.

(5) Ship's personnel serving on board the following categories of commercial vessels engaged in foreign trade shall be subject to the requirements of the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time, and the regulations promulgated by the Maritime Administrator:

- (a) Deck officers serving on commercial seagoing (near coastal voyage/oceangoing) vessels regardless of the gross tonnage of the vessels;
- (b) Engineer officers serving on commercial seagoing (near coastal voyage/oceangoing) vessels of 750 kw propulsion power or more;
- (c) Deck ratings serving on commercial seagoing (near coastal voyage/oceangoing) vessels of 500 gross tonnage or more; and

(d) Government vessels engaged in commercial seagoing (near coastal voyage/oceangoing) service.

(6) For the purposes of this Chapter, the failure by an owner of a vessel of the Republic to ensure that each officer employed on the vessel is the holder of a valid license of competency issued by the Republic and all seafarers in general have a valid identification book shall subject the owner to a fine of \$750 per non-complying officer and \$250 per non-complying seafarer. However, such penalty shall be rescinded if the proper license and identification book is obtained within 30 days from notice of violation.

(7) The Minister shall, with Cabinet approval, promulgate all Rules and Regulations deemed necessary and proper for carrying out the purposes of this Section as it relates to ship's personnel exempted from compliance with the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time.

(8) The Maritime Administrator shall promulgate all Rules and Regulations deemed necessary and proper for carrying out the purposes of this Act as it relates to vessels of the Republic engaged in foreign trade ship's personnel subject to compliance with the International Convention on Standards of Training, Certification and Watchkeeping, 1978, as amended and revised from time to time. [P.L. 2001-27, §905.]

**§907. Inspectors and registrars.**

The Minister shall be assisted in his duties under this Chapter by the Maritime Administrator and by such inspectors, registrars and their assistants as the Minister or the Maritime Administrator may from time to time appoint in order to effectively execute the provisions of this Chapter and the regulations promulgated pursuant thereto. [P.L. 2001-27, § 906.]

**§908. Fees, fines and penalties.**

The Minister, with the approval of the Cabinet, shall establish such appropriate fees for those services, documents, certificates and administrative functions performed under this Chapter and the Regulations duly promulgated hereunder, and to establish and levy fines and penalties for violation of any Section of this Chapter, or Regulation relating thereto. [P.L. 2001-27, §907.]

**§909. Authorization by Minister to act on his behalf.**

The Minister may either generally or specifically, and in consultation with the Cabinet, authorize the Maritime Administrator to exercise, perform or discharge any power, authority, function (including the function to make Rules and Regulations and issue licenses, certificates and seafarer identification under Sections 904 and 905(1) and (7) of this Chapter) or duty vested in, or imposed or conferred upon, the Minister by or under this Chapter. [P.L. 2001-27, §908.]

**§910. Transition and effective date.**

This Chapter shall be applicable to those vessels described in Section 902 on and after the effective date of this Chapter, which shall be the date of certification pursuant to Article IV, Section 21 of the Constitution (the "Effective Date") [30 September 1992]. As of the Effective Date, any vessel duly numbered or documented under current law shall be deemed to be duly enrolled under

this Chapter. Every license, certificate, number or document issued, and every act taken, after the Effective Date with respect to a vessel described in Section 902 of this Chapter shall be in accordance with the terms and provisions of this Chapter and any regulations made pursuant to this Chapter. [P.L. 2001-27, § 909.]

**§911. Repealer.**

The Domestic Watercraft Act 1992, Title 34 Chapter 6 is hereby repealed. [P.L. 2001-27, § 910.]

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