

NITIJELA OF THE MARSHALL ISLANDS

21ST CONSTITUTIONAL REGULAR SESSION, 2000

BILL NO. 6
P.L. 2000-7

1 An Act

2 To amend the Domestic Watercraft Act, 34 MIRC, Chapter 6, to provide for the licensing of
3 seafarers operating within the domestic trade of the Republic.

4 BE IT ENACTED BY THE NITIJELA OF THE MARSHALL ISLANDS:

5 Section 1 Short Title.

6 This Act may be cited as the Domestic Watercraft (Amendment) Act 2000.

7 Section 2. Amendment.

8 The Domestic Watercraft Act, 34 MIRC, Chapter 6, is amended by adding a new
9 Section §609 to read as follows:

10 “§ 609 Authority to issue Licenses, Certificates, Etc.

11 (1) The Minister is authorized to issue all such licenses, certificates and seafarer
12 identification books for officers and ship’s personnel on vessels involved solely in domestic trade
13 within waters of the Republic pursuant to the Act; provided the vessel types, characteristics and
14 operation do not subject the ship’s personnel to the provisions of the STCW Convention 1995, as
15 amended. A notation of any limitations shall be affixed and readily visible on all issued licenses,
16 certificates and seafarer identification books. The Minister shall establish a Board of Marine
17 Inspectors to determine the qualifications of all applicants for licensing, certification and seafarer’s
18 identification for those vessels which do not come under the provisions of STCW Convention
19 1995, as amended.

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21 (2) For the purposes of this Act, the Maritime Administrator as identified in the Maritime

1 Administration Act PL 1990-92, shall establish the qualifications of all applicants for
2 licensing, certification and seafarer's identification for ship's personnel serving aboard
3 vessels which are subject to the provisions of the STCW Convention, Amended 1995,
4 including those vessels engaged solely in domestic trade within the waters of the Republic.

5 (3) Non-application of the STCW Convention, Amended 1995.

6 Ship's personnel serving on board the following categories of vessels shall be exempt from
7 compliance with the STCW Convention while remaining subject to the regulations
8 promulgated by the Minister in fulfillment of the purposes of the Act.

9 3.1 Fishing Vessels (Article III of the STCW Convention)

10 3.2 Government vessels engaged in non-commercial service (however, persons serving on
11 board such ships must meet the requirements of the Convention so far as is reasonable and
12 practicable). (Article III of the STCW Convention)

13 3.3 Ships which navigate exclusively in inland waters or closely adjacent to, sheltered
14 waters (i.e. lagoons). (Articles II (g) of the STCW Convention)

15 3.4 Pleasure yachts not engaged in trade. (Article III of the STCW Convention)

16 3.5 Wooden ships of primitive build. (Article III of the STCW Convention)

17 3.6 Engineer officers and engine ratings serving on commercial vessels less than 750 kw
18 propulsion power. (Regulations III/3 and III/4 of the STCW Convention)

19 3.7 Deck ratings serving on commercial vessels less than 500 gross tonnage. (Regulation
20 II/4 of the STCW Convention).

1 (4) Application of the STCW Convention, Amended 1995.
2 Ship's personnel serving on board the following categories of commercial vessels shall be
3 subject to the requirements of the STCW Convention and the regulations promulgated by the
4 Maritime Administrator.

5 4.1 Deck officers serving on commercial seagoing (near coastal voyage/oceangoing) vessels
6 regardless of the gross tonnage of the vessels. (Regulations II/1, II/2 and II/3 of the STCW
7 Convention)

8 4.2 Engineer officers and engine ratings serving on commercial seagoing (near coastal
9 voyage/oceangoing) vessels of 750 kW propulsion or more. (Regulation III/4 of the STCW
10 Convention)

11 4.3 Deck ratings serving on commercial seagoing (near coastal voyage/oceangoing) vessels of
12 500 gross tonnage or more. (Regulation II/4 of the STCW Convention)

13 4.4 Government vessels engaged in commercial seagoing (near coastal voyage/oceangoing)
14 service. (Article III of the STCW Convention)

15 (5) For the purposes of this Act, failure of an owner of a vessel of the Republic to ensure that
16 each officer employed on the vessel is the holder of a valid license of competency of the
17 Republic to fill the position held by him/her and all seafarers in general have a valid
18 identification book shall subject the owner to a fine of \$750 per non-complying officer and
19 \$250 per non-complying seafarer. However, such penalty shall be rescinded if the proper
20 license and identification book is obtained within 30 days from notice of violation.

1 (6) The Minister shall promulgate with Cabinet approval all regulations deemed necessary and
2 proper for carrying out the purposes of this Act as it relates to ship's personnel exempted from
3 compliance with the STCW Convention 1995, as amended.

4 (7) The maritime Administrator shall promulgate all regulations deemed necessary and proper for
5 carrying out the purposes of this Act as it relates to ship's personnel subject to compliance with
6 the STCW Convention 1995, as amended."

7 Section 3. **Effective Date.**

8
9 This Act shall take effect on the date of certification in accordance with Article IV,
10 Section 21 of the Constitution.

11 4Certificate

12 I hereby certify:

13 (1) that the above Nitijela Bill No. 6 has been passed by the Nitijela of
14 the Marshall Islands on the 10th day of March, 2000; and

15 (2) that I am satisfied that Nitijela Bill No. 6 has been passed in
16 accordance with the Constitution of the Marshall Islands and the Rules of the Nitijela.

17 I hereby place my signature before the Clerk of the Nitijela this 22nd day of
18 March, 2000.

19 ATTEST:

20 *Litokwa Tomeing*
21 Litokwa Tomeing, Speaker
22 Nitijela of the Marshall Islands

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Joe Riklon, Clerk
Nitijela of the Marshall Islands

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