

except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, which is subject to the provisions of subtitle IV of title 49, and who are now or may hereafter be actually engaged in any capacity in the operation of trains used for the transportation of persons or property on railroads, except railroads independently owned and operated not exceeding one hundred miles in length, electric street railroads, and electric interurban railroads, from any State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from one place in a territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States: *Provided*, That the above exceptions shall not apply to railroads though less than one hundred miles in length whose principal business is leasing or furnishing terminal or transfer facilities to other railroads, or are themselves engaged in transfers of freight between railroads, or between railroads and industrial plants.

(Sept. 3, 5, 1916, ch. 436, § 1, 39 Stat. 721.)

CODIFICATION

"Subtitle IV of title 49" was substituted for "the Act of February fourth, eighteen hundred and eighty-seven, entitled 'An Act to regulate commerce,' as amended [49 U.S.C. 1 et seq.]" on authority of Pub. L. 95-473, § 3(b), Oct. 17, 1978, 92 Stat. 1466, the first section of which enacted subtitle IV of Title 49, Transportation.

Section was enacted as part of act Sept. 3, 5, 1916, popularly known as the Adamson Act, and not as part of act Mar. 4, 1907, popularly known as the Hours of Service Act, which comprises this chapter.

DATE OF APPROVAL

Act Sept. 3, 5, 1916, was approved on Sept. 3 and again on Sept. 5, because Sept. 3 was Sunday, and some doubt existed as to the validity of an act approved on that day.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 66 of this title.

§ 66. Penalty for violation

Any person violating any provision of section 65 of this title shall be guilty of a misdemeanor and upon conviction shall be fined not less than \$100 and not more than \$1,000, or imprisoned not to exceed one year, or both.

(Sept. 3, 5, 1916, ch. 436, § 4, 39 Stat. 722.)

CODIFICATION

Section was enacted as part of act Sept. 3, 5, 1916, popularly known as the Adamson Act, and not as part of act Mar. 4, 1907, popularly known as the Hours of Service Act, which comprises this chapter.

CHAPTER 4—CARE OF ANIMALS IN TRANSIT

Sec.

71. Transportation of animals; time of confinement; unloading for rest and feeding; unloading sheep.

Sec.

72. Animals unloaded to be fed and watered by or at expense of owner; lien.

73. Penalty for failure to comply with law; when provisions for unloading not to apply.

74. Penalty recoverable by civil action; duty of United States attorneys to prosecute.

75, 76. Transferred.

§ 71. Transportation of animals; time of confinement; unloading for rest and feeding; unloading sheep

No railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens, for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which cannot be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this chapter to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours.

(June 29, 1906, ch. 3594, § 1, 34 Stat. 607.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in R.S. § 4386 prior to its repeal by section 5 of act June 29, 1906.

SHORT TITLE

Act June 29, 1906, ch. 3594, 34 Stat. 607, which enacted this chapter, is popularly known as the "Live Stock Transportation Act" and also as the "Cruelty to Animals Act", "Twenty-Eight Hour Law", and "Food and Rest Law".

STUDY AND INVESTIGATION OF LIVESTOCK LOSSES DURING TRANSPORTATION IN INTERSTATE COMMERCE; RESEARCH PROGRAM; INTERIM AND FINAL REPORTS; AUTHORIZATION OF APPROPRIATIONS

Pub. L. 91-524, title VIII, § 809, as added Pub. L. 93-86, § 1(27)(B), Aug. 10, 1973, 87 Stat. 237, authorized the Secretary of Agriculture to carry out a comprehensive study and investigation to determine the reasons for the extensive loss of livestock sustained each year, through injury and disease, while such livestock is being transported in interstate commerce for commercial purposes in connection with an intensive research program for the purpose of developing measures that can be taken to reduce materially the number of animals lost, and required the Secretary to submit to the Congress not more than four years after Aug. 10, 1973 a final report together with such recommendations for administrative and legislative action, and authorized appropriations to carry out such study.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 72, 73 of this title.

§ 72. Animals unloaded to be fed and watered by or at expense of owner; lien

Animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section 71 of this title, but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires.

(June 29, 1906, ch. 3594, § 2, 34 Stat. 608.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in R.S. § 4387 prior to its repeal by section 5 of act June 29, 1906.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 73 of this title.

§ 73. Penalty for failure to comply with law; when provisions for unloading not to apply

Any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of sections 71 and 72 of this title shall for every such failure be liable for and forfeit and pay a penalty of not less than \$100 nor more than \$500: *Provided*, That when animals are carried in cars, boats, or

other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply.

(June 29, 1906, ch. 3594, § 3, 34 Stat. 608.)

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in R.S. § 4388 prior to its repeal by section 5 of act June 29, 1906.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 74 of this title.

§ 74. Penalty recoverable by civil action; duty of United States attorneys to prosecute

The penalty created by section 73 of this title shall be recovered by civil action in the name of the United States in the district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this chapter reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means.

(June 29, 1906, ch. 3594, § 4, 34 Stat. 608; Mar. 3, 1911, ch. 231, § 291, 36 Stat. 1167.)

CODIFICATION

The words "circuit or" before "district court" were deleted pursuant to act Mar. 3, 1911, § 291.

PRIOR PROVISIONS

Provisions similar to those comprising this section were contained in R.S. § 4389 prior to its repeal by section 5 of act June 29, 1906.

TRANSFER OF FUNCTIONS

For transfer of functions of other officers, agencies and employees of the Department of Agriculture, with certain exceptions, to the Secretary of Agriculture, with power to delegate, see Reorg. Plan No. 2 of 1953, § 1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out in the Appendix to Title 5, Government Organization and Employees.

§§ 75, 76. Transferred

CODIFICATION

Section 75, acts Mar. 3, 1891, ch. 521, § 1, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 789, relating to rules as to accommodations for export animals, was transferred to section 466a of Title 46, Shipping, and subsequently repealed and reenacted as section 3901 of Title 46 by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500.

Section 76, acts Mar. 3, 1891, ch. 521, § 2, 26 Stat. 833; May 28, 1928, ch. 824, 45 Stat. 790, relating to penalties for rule violations, was transferred to section 466b of Title 46, and subsequently repealed and reenacted as section 3902 of Title 46 by Pub. L. 98-89, Aug. 26, 1983, 97 Stat. 500.

CHAPTER 5—GOVERNMENT-AIDED RAILROADS

Sec.	
81.	Union Pacific Railroad.
82.	Connection of other roads.
83.	Roads and telegraphs to be operated as continuous line; equal facilities to be afforded.
84.	Interstate communication.
85.	Compensation of directors appointed by the United States.
86.	Withholding payments to certain railroads.