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TITLE 49--TRANSPORTATION
SUBTITLE X--MISCELLANEOUS
CHAPTER 805--MISCELLANEOUS

Sec. 80502. Transportation of animals

(a) Confinement.--(1) Except as provided in this section, a rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel transporting animals from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession, may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.

(2) Sheep may be confined for an additional 8 consecutive hours without being unloaded when the 28-hour period of confinement ends at night. Animals may be confined for--

(A) more than 28 hours when the animals cannot be unloaded because of accidental or unavoidable causes that could not have been anticipated or avoided when being careful; and

(B) 36 consecutive hours when the owner or person having custody of animals being transported requests, in writing and separate from a bill of lading or other rail form, that the 28-hour period be extended to 36 hours.

(3) Time spent in loading and unloading animals is not included as part of a period of confinement under this subsection.

(b) Unloading, Feeding, Watering, and Rest.--Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours. The owner or person having custody of the animals shall feed and water the animals. When the animals are not fed and watered by the owner or person having custody, the rail carrier, express carrier, or common carrier (except by air or water), the receiver, trustee, or lessee of one of those carriers, or the owner or master of a vessel transporting the animals--

(1) shall feed and water the animals at the reasonable expense of the owner or person having custody, except that the owner or shipper may provide food;

(2) has a lien on the animals for providing food, care, and custody that may be collected at the destination in the same way that a transportation charge is collected; and

(3) is not liable for detaining the animals for a reasonable

period to comply with subsection (a) of this section.

(c) Nonapplication.--This section does not apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity for rest.

(d) Civil Penalty.--A rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel that knowingly and willfully violates this section is liable to the United States Government for a civil penalty of at least \$100 but not more than \$500 for each violation. On learning of a violation, the Attorney General shall bring a civil action to collect the penalty in the district court of the United States for the judicial district in which the violation occurred or the defendant resides or does business.

(Pub. L. 103-272, Sec. 1(e), July 5, 1994, 108 Stat. 1356.)

Historical and Revision Notes

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|--|
| 80502(a)..... | 45:71 (less 1st sentence 132d-153d words). | June 29, 1906, ch. 3594, Secs. 1-4, 34 |
| 80502(b)..... | 45:71 (1st sentence 132d-153d words). | |
| 80502(c)..... | 45:73 (proviso). | |
| 80502(d)..... | 45:73 (less proviso). | |

In this section, the words "rail carrier, express carrier" are substituted for "railroad, express company, car company" for consistency in the revised title. The word "air" is included in the exception because when the source provision was enacted air carriers did not exist. The words "a vehicle or vessel" are substituted for "cars, boats, or vessels of any description", and the word "vessel" is substituted for "steam, sailing, or other vessels", for consistency in the revised title and with other titles of the United States Code.

In subsection (a)(1), the words "transporting animals" are substituted for "whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed" and "carrying or transporting cattle, sheep, swine, or other animals" to eliminate unnecessary words. The word "possession" is added for consistency in the revised title and with other titles of the Code. The words "for feeding, water, and rest" are added because of the restatement.

In subsection (a)(2), before clause (A), the words "Sheep may be confined for an additional 8 consecutive hours without being unloaded when the 28-hour period of confinement ends at night" are substituted

for 45:71 (last proviso) for clarity. The words "Animals may be confined for" are added because of the restatement. In clause (A), the words "more than 28 hours when the animals cannot be unloaded because of" are substituted for "unless prevented by" because of the restatement. The word "storm" is omitted as being included in "accidental or unavoidable causes". The words "when being careful" are substituted for "by the exercise of due diligence and foresight" to eliminate unnecessary words. In clause (B), the words "36 consecutive hours when" are substituted for "Provided, That . . . the time of confinement may be extended to thirty-six hours" because of the restatement. The word "printed" is omitted as surplus.

In subsection (a)(3), the words "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" are omitted as unnecessary because of the restatement.

In subsection (b), before clause (1), the word "properly" is omitted as surplus. The words "Animals being transported shall be unloaded" are added because of the restatement. In clause (1), the words "except that the owner or shipper may provide food" are substituted for "but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires" for clarity.

In subsection (c), the word "proper" is omitted as surplus.

In subsection (d), the words "liable to the United States Government for a civil penalty" are substituted for "liable for and forfeit and pay a penalty" in 45:73 for consistency in the revised title and with other titles of the Code. The words "On learning of a violation, the Attorney General shall bring a civil action to collect the penalty" are substituted for "The penalty created by section 73 of this title shall be recovered by civil action in the name of the United States" in 45:74 and "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" to eliminate unnecessary words and because of 28:509. The words "in the district court of the United States for the judicial district" are substituted for "in the circuit or district court holden within the district" in section 4 of the Act of June 29, 1906 (ch. 3594, 34 Stat. 608), because of section 291 of the Act of March 3, 1911 (ch. 231, 36 Stat. 1167), and for consistency in the revised title and with other titles of the Code.