

cial aircraft jurisdiction of the United States, or at the flight path of such an aircraft, shall be fined under this title or imprisoned not more than 5 years, or both.

(b) **LASER POINTER DEFINED.**—As used in this section, the term “laser pointer” means any device designed or used to amplify electromagnetic radiation by stimulated emission that emits a beam designed to be used by the operator as a pointer or highlighter to indicate, mark, or identify a specific position, place, item, or object.

(c) **EXCEPTIONS.**—This section does not prohibit aiming a beam of a laser pointer at an aircraft, or the flight path of such an aircraft, by—

(1) an authorized individual in the conduct of research and development or flight test operations conducted by an aircraft manufacturer, the Federal Aviation Administration, or any other person authorized by the Federal Aviation Administration to conduct such research and development or flight test operations;

(2) members or elements of the Department of Defense or Department of Homeland Security acting in an official capacity for the purpose of research, development, operations, testing, or training; or

(3) by an individual using a laser emergency signaling device to send an emergency distress signal.

(d) **AUTHORITY TO ESTABLISH ADDITIONAL EXCEPTIONS BY REGULATION.**—The Attorney General, in consultation with the Secretary of Transportation, may provide by regulation, after public notice and comment, such additional exceptions to this section as may be necessary and appropriate. The Attorney General shall provide written notification of any proposed regulations under this section to the Committees on the Judiciary of the Senate and the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives, not less than 90 days before such regulations become final.

(Added Pub. L. 112–95, title III, §311(a), Feb. 14, 2012, 126 Stat. 65.)

#### § 40. Commercial motor vehicles required to stop for inspections

(a) A driver of a commercial motor vehicle (as defined in section 31132 of title 49) shall stop and submit to inspection of the vehicle, driver, cargo, and required records when directed to do so by an authorized employee of the Federal Motor Carrier Safety Administration of the Department of Transportation, at or in the vicinity of an inspection site. The driver shall not leave the inspection site until authorized to do so by an authorized employee.

(b) A driver of a commercial motor vehicle, as defined in subsection (a), who knowingly fails to stop for inspection when directed to do so by an authorized employee of the Administration at or in the vicinity of an inspection site, or leaves the inspection site without authorization, shall be fined under this title or imprisoned not more than 1 year, or both.

(Added Pub. L. 109–59, title IV, §4143(a), Aug. 10, 2005, 119 Stat. 1747, §39; renumbered §40, Pub. L. 110–244, title III, §301(j), June 6, 2008, 122 Stat. 1616.)

#### AMENDMENTS

2008—Pub. L. 110–244 renumbered section 39 of this title, relating to inspection of commercial vehicles, as this section.

### CHAPTER 3—ANIMALS, BIRDS, FISH, AND PLANTS

Sec.

- 41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges.
- 42. Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations.
- 43. Force, violence, and threats involving animal enterprises.
- [44. 45. Repealed.]
- 46. Transportation of water hyacinths.
- 47. Use of aircraft or motor vehicles to hunt certain wild horses or burros; pollution of watering holes.
- 48. Animal crush videos.
- 49. Enforcement of animal fighting prohibitions.

#### HISTORICAL AND REVISION NOTES

The criminal provisions of the Migratory Bird Treaty Act, sections 703–711 of title 16, U.S.C., 1940 ed., Conservation, and the Migratory Bird Conservation Act, sections 715–715r of title 16, U.S.C., 1940 ed., Conservation, were considered for inclusion in this chapter. Since these provisions, except parts of sections 704–707 of said title 16, are so inextricably interwoven with the Migratory Bird Acts, it was found advisable to exclude them.

#### AMENDMENTS

2010—Pub. L. 111–294, §3(b), Dec. 9, 2010, 124 Stat. 3179, substituted “Animal crush videos” for “Depiction of animal cruelty” in item 48.

2007—Pub. L. 110–22, §2(b), May 3, 2007, 121 Stat. 88, added item 49.

2006—Pub. L. 109–374, §2(b), Nov. 27, 2006, 120 Stat. 2655, substituted “Force, violence, and threats involving animal enterprises” for “Animal enterprise terrorism” in item 43.

1999—Pub. L. 106–152, §1(b), Dec. 9, 1999, 113 Stat. 1732, added item 48.

1992—Pub. L. 102–346, §2(b), Aug. 26, 1992, 106 Stat. 929, which directed the general amendment of item 43, was executed by adding item 43 to reflect the probable intent of Congress, because item 43 had been previously struck out by Pub. L. 101–647. See 1990 Amendment note below.

1990—Pub. L. 101–647, title XII, §1206(b), title XXXV, §3506, Nov. 29, 1990, 104 Stat. 4832, 4922, substituted “Importation or shipment of injurious mammals, birds, fish (including mollusks and crustacea), amphibia, and reptiles; permits, specimens for museums; regulations” for “Importation of injurious animals and birds; permits; specimens for museums” in item 42, struck out item 43 “Transportation or importation in violation of state, national, or foreign laws”, item 44 “Marking packages or containers”, and item 45 “Capturing or killing carrier pigeons”, and inserted “; pollution of watering holes” after “burros” in item 47.

1959—Pub. L. 86–234, §1(b), Sept. 8, 1959, 73 Stat. 470, added item 47.

1956—Act Aug. 1, 1956, ch. 825, §2(b), 70 Stat. 798, amended chapter heading to include reference to “Plants” and added item 46.

#### § 41. Hunting, fishing, trapping; disturbance or injury on wildlife refuges

Whoever, except in compliance with rules and regulations promulgated by authority of law,