

be moved when necessary to make repairs, without a penalty being imposed under section 21302 of this title, from the place at which the defect or insecurity was first discovered to the nearest available place at which the repairs can be made—

- (1) on the railroad line on which the defect or insecurity was discovered; or
- (2) at the option of a connecting railroad carrier, on the railroad line of the connecting carrier, if not farther than the place of repair described in clause (1) of this subsection.

(b) USE OF CHAINS INSTEAD OF DRAWBARS.—A vehicle in a revenue train or in association with commercially-used vehicles may be moved under this section with chains instead of drawbars only when the vehicle contains livestock or perishable freight.

(c) LIABILITY.—The movement of a vehicle under this section is at the risk only of the railroad carrier doing the moving. This section does not relieve a carrier from liability in a proceeding to recover damages for death or injury of a railroad employee arising from the movement of a vehicle with equipment that is defective, insecure, or not maintained in compliance with this chapter.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 882.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20303(a)	45:13 (2d sentence proviso words before 1st semicolon).	Apr. 14, 1910, ch. 160, §4 (2d sentence proviso), 36 Stat. 299; Jan. 14, 1983, Pub. L. 97-468, §704, 96 Stat. 2580.
20303(b)	45:13 (2d sentence proviso words after last semicolon).	
20303(c)	45:13 (2d sentence proviso words between semicolons).	

In subsections (a) and (b), the word “moved” is substituted for “hauled” and “hauling” for consistency in this section.

In subsection (a), before clause (1), the words “A vehicle that is equipped in compliance with this chapter” are substituted for “where any car shall have been properly equipped, as provided in sections 1 to 16 of this title” to eliminate unnecessary words. The words “while such car was being used by such carrier upon its line of railroad” are omitted as surplus since this chapter only applies in the case of vehicles used by railroad carriers on their railroad lines. The word “nevertheless” is added for clarity. The words “when necessary to make repairs” are substituted for “if any such movement is necessary to make such repairs and such repairs cannot be made except at any such repair point” to eliminate unnecessary words. The words “without a penalty being imposed under section 21302 of this title” are substituted for “without liability for the penalties imposed by this section or section 6 of this title” because of the restatement.

In subsection (b), the words “A vehicle . . . may be moved under this section . . . only when” are substituted for “and nothing in this proviso shall be construed to permit the hauling of defective cars . . . unless” for clarity and to eliminate unnecessary words.

In subsection (c), the word “hauling” is omitted for consistency in this section. The word “proceeding” is substituted for “remedial action” for consistency in the revised title and to ensure that administrative, as well as court proceedings, are included. The words “to recover damages” are added for clarity. The words

“arising from” are substituted for “caused . . . by reason of or in connection with” to eliminate unnecessary words.

§ 20304. Assumption of risk by employees

An employee of a railroad carrier injured by a vehicle or train used in violation of section 20302(a)(1)(A), (2), (4), or (5)(A) of this title does not assume the risk of injury resulting from the violation, even if the employee continues to be employed by the carrier after learning of the violation.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 883.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20304	45:7.	Mar. 2, 1893, ch. 196, §8, 27 Stat. 532; June 22, 1988, Pub. L. 100-342, §13(1)(H), 102 Stat. 631.
	45:8 (words before 16th comma).	Mar. 2, 1903, ch. 976, §1 (words before 23d comma), 32 Stat. 943; June 22, 1988, Pub. L. 100-342, §13(2)(A), 102 Stat. 631.

The words “after learning of the violation” are substituted for “after the unlawful use of such locomotive, car, or train had been brought to his knowledge” in 45:7 for clarity.

§ 20305. Inspection of mail cars

The Secretary of Transportation shall inspect the construction, adaptability, design, and condition of mail cars used on railroads in the United States. The Secretary shall make a report on the inspection and submit a copy of the report to the United States Postal Service.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 883.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
20305	45:37.	May 27, 1908, ch. 200, §1 (6th par. last sentence under heading “Interstate Commerce Commission”), 35 Stat. 325.
	49 App.:1655(e)(1)(I), (J).	Mar. 4, 1909, ch. 299, §1 (6th par. last sentence under heading “Interstate Commerce Commission”), 35 Stat. 965. Oct. 15, 1966, Pub. L. 89-670, §6(e)(1)(I), (J), 80 Stat. 939.

The words “United States Postal Service” are substituted for “Postmaster General” because of sections 4(a) and 5(e) of the Postal Reorganization Act (Public Law 91-375, 84 Stat. 773, 775).

§ 20306. Exemption for technological improvements

(a) GENERAL.—Subject to subsection (b) of this section, the Secretary of Transportation may exempt from the requirements of this chapter railroad equipment or equipment that will be operated on rails, when those requirements preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations under existing law.

(b) CONDITIONS FOR EXEMPTION.—The Secretary may grant an exemption under subsection (a) of this section only on the basis of—

- (1) findings based on evidence developed at a hearing; or