

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
60503	49:101 (note prec.).	Oct. 31, 1988, Pub. L. 100-561, § 308, 102 Stat. 2817.

The words “the Act of January 12, 1983 (Public Law 97-449, 96 Stat. 2413), and the Act enacting this section” are added for clarity. The words “department, agency, or instrumentality of the United States Government” are substituted for “Federal department or agency”, and the words “officer or employee” are substituted for “official”, for consistency in the revised title and with other titles of the United States Code.

REFERENCES IN TEXT

Act of October 17, 1978, referred to in text, is Pub. L. 95-473, Oct. 17, 1978, 92 Stat. 1337, the first section of which enacted subtitle IV of this title. For complete classification of this Act to the Code, see Tables.

Act of January 12, 1983, referred to in text, is Pub. L. 97-449, Jan. 12, 1983, 96 Stat. 2413, the first section of which enacted subtitles I and II of this title. For complete classification of this Act to the Code, see Tables.

The Act enacting this section, referred to in text, is Pub. L. 103-272, July 5, 1994, 108 Stat. 745, the first section of which enacted subtitles II, III, and V to X of this title. For complete classification of this Act to the Code, see Tables.

The Interstate Commerce Act, referred to in text, is act Feb. 4, 1887, ch. 104, 24 Stat. 379, as amended, which was classified to chapters 1 (§1 et seq.), 8 (§301 et seq.), 12 (§901 et seq.), 13 (§1001 et seq.), and 19 (1231 et seq.) of former Title 49, Transportation. The Act was repealed by Pub. L. 95-473, §4(b), Oct. 17, 1978, 92 Stat. 1467, the first section of which enacted subtitle IV (§10101 et seq.) of Title 49, Transportation. For disposition of sections of former Title 49, see Table at the beginning of Title 49.

Act of August 29, 1916, referred to in text, is act Aug. 29, 1916, ch. 415, 39 Stat. 538, as amended, known as the Pomerene Bills of Lading Act, which was classified generally to chapter 4 (§81 et seq.) of former Title 49, and was repealed by Pub. L. 103-272, §7(b), July 5, 1994, 108 Stat. 1379, and reenacted by the first section thereof as chapter 801 of this title.

SUBTITLE IX—[Transferred]

Chapter

- 701. [Transferred]**
- 703. [Transferred]**

AMENDMENTS

2010—Pub. L. 111-314, §4(d)(1)(B), Dec. 18, 2010, 124 Stat. 3440, amended analysis generally, substituting “[Transferred]” for headings of subtitle IX “COMMERCIAL SPACE TRANSPORTATION” and chapters 701 “Commercial Space Launch Activities” and 703 “Space Transportation Infrastructure Matching Grants”.

[CHAPTER 701—TRANSFERRED]

CODIFICATION

Former chapter 701 was renumbered chapter 509 of Title 51, National and Commercial Space Programs. Former sections 70101 to 70105a, 70106 to 70109a, and 70110 to 70121 were renumbered sections 50901 to 50923, respectively, of Title 51.

[CHAPTER 703—TRANSFERRED]

CODIFICATION

Former chapter 703 was renumbered chapter 511 of Title 51, National and Commercial Space Programs. Former sections 70301 to 70305 were renumbered sections 51101 to 51105, respectively, of Title 51.

SUBTITLE X—MISCELLANEOUS

Chapter

- 801. Bills of Lading 80101**
- 803. Contraband 80301**
- 805. Miscellaneous 80501**

Sec.

CHAPTER 801—BILLS OF LADING

Sec.

- 80101. Definitions.
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- 80103. Negotiable and nonnegotiable bills.
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- 80105. Title and rights affected by negotiation.
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- 80110. Duty to deliver goods.
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- 80113. Liability for nonreceipt, misdescription, and improper loading.
- 80114. Lost, stolen, and destroyed negotiable bills.
- 80115. Limitation on use of judicial process to obtain possession of goods from common carriers.
- 80116. Criminal penalty.

AMENDMENTS

1994—Pub. L. 103-429, §6(79), Oct. 31, 1994, 108 Stat. 4388, made technical amendment to chapter heading.

§ 80101. Definitions

In this chapter—

- (1) “consignee” means the person named in a bill of lading as the person to whom the goods are to be delivered.
- (2) “consignor” means the person named in a bill of lading as the person from whom the goods have been received for shipment.
- (3) “goods” means merchandise or personal property that has been, is being, or will be transported.
- (4) “holder” means a person having possession of, and a property right in, a bill of lading.
- (5) “order” means an order by indorsement on a bill of lading.
- (6) “purchase” includes taking by mortgage or pledge.
- (7) “State” means a State of the United States, the District of Columbia, and a territory or possession of the United States.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1346.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
80101	49 App.:122.	Aug. 29, 1916, ch. 415, §42, 39 Stat. 545.

In this chapter, the words “negotiable bill of lading” are substituted for “order bill”, and the words “non-negotiable bill of lading” are substituted for “straight bill”, for clarity and consistency in the revised title and with other titles of the United States Code.

In this section, before clause (1), the words “unless the context of subject matter otherwise requires” are omitted as unnecessary because of the restatement. The words “‘Action’ includes counterclaim, set-off, and suit in equity” are omitted as unnecessary. The words

“‘Bill’ means bill of lading, governed by this chapter” are omitted because of section 80102 of the revised title. In clauses (1), (2), and (4), the words “‘Person’ includes a corporation or partnership, or two or more persons having a joint or common interest” are omitted because of 1:1. In clause (3), the words “personal property” are substituted for “chattels” for clarity and consistency. The words “is being” are substituted for “in course of” for clarity. In clause (7), the words “‘State’ means a State of the United States” are substituted for “‘State’ includes” for clarity and consistency in the revised title and with other titles of the Code. The word “possession” is substituted for “insular possession, or isthmian possession” for consistency in the revised title.

§ 80102. Application

This chapter applies to a bill of lading when the bill is issued by a common carrier for the transportation of goods—

- (1) between a place in the District of Columbia and another place in the District of Columbia;
- (2) between a place in a territory or possession of the United States and another place in the same territory or possession;
- (3) between a place in a State and a place in another State;
- (4) between a place in a State and a place in the same State through another State or a foreign country; or
- (5) from a place in a State to a place in a foreign country.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1346.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80102	49 App.:81.	Aug. 29, 1916, ch. 415, §1, 39 Stat. 538.

In this chapter, the words “common carrier” are substituted for “carrier” because the source provisions restated in this section provide that this chapter applies to bills of lading issued by common carriers.

In clause (2), the words “territory or possession” are substituted for “Territory” for consistency in the revised title and with other titles of the United States Code.

§ 80103. Negotiable and nonnegotiable bills

(a) NEGOTIABLE BILLS.—(1) A bill of lading is negotiable if the bill—

- (A) states that the goods are to be delivered to the order of a consignee; and
- (B) does not contain on its face an agreement with the shipper that the bill is not negotiable.

(2) Inserting in a negotiable bill of lading the name of a person to be notified of the arrival of the goods—

- (A) does not limit its negotiability; and
- (B) is not notice to the purchaser of the goods of a right the named person has to the goods.

(b) NONNEGOTIABLE BILLS.—(1) A bill of lading is nonnegotiable if the bill states that the goods are to be delivered to a consignee. The indorsement of a nonnegotiable bill does not—

- (A) make the bill negotiable; or
- (B) give the transferee any additional right.

(2) A common carrier issuing a nonnegotiable bill of lading must put “nonnegotiable” or “not negotiable” on the bill. This paragraph does not apply to an informal memorandum or acknowledgment.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1346.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80103(a)(1) ..	49 App.:83.	Aug. 29, 1916, ch. 415, §§2, 3, 6, 7, 29 (last sentence), 39 Stat. 539, 543.
80103(a)(2) ..	49 App.:87.	
80103(b)(1) ..	49 App.:82. 49 App.:109 (last sentence).	
80103(b)(2) ..	49 App.:86.	

In subsection (a)(1), the words “A bill of lading is negotiable if . . . states that the goods are to be delivered to the order of a consignee” are substituted for “A bill in which it is stated that the goods are consigned or destined to the order of any person named in such bill is an order bill” for clarity and consistency in the revised title and with other titles of the United States Code. The words “does not contain on its face an agreement with the shipper that the bill is not negotiable” are substituted for 49 App.:83 (last sentence) for clarity and to eliminate unnecessary words.

In subsection (a)(2)(B), the words “right the named person has” are substituted for “rights or equities of such person” for clarity.

In subsection (b)(1), before clause (A), the words “A bill of lading is nonnegotiable if” are substituted for “A bill in which . . . is a straight bill” in 49 App.:82 for consistency in the revised title and with other titles of the Code. The words “free from existing equities” in 49 App.:109 (last sentence) are omitted as surplus.

§ 80104. Form and requirements for negotiation

(a) GENERAL RULES.—(1) A negotiable bill of lading may be negotiated by indorsement. An indorsement may be made in blank or to a specified person. If the goods are deliverable to the order of a specified person, then the bill must be indorsed by that person.

(2) A negotiable bill of lading may be negotiated by delivery when the common carrier, under the terms of the bill, undertakes to deliver the goods to the order of a specified person and that person or a subsequent indorsee has indorsed the bill in blank.

(3) A negotiable bill of lading may be negotiated by a person possessing the bill, regardless of the way in which the person got possession, if—

- (A) a common carrier, under the terms of the bill, undertakes to deliver the goods to that person; or
- (B) when the bill is negotiated, it is in a form that allows it to be negotiated by delivery.

(b) VALIDITY NOT AFFECTED.—The validity of a negotiation of a bill of lading is not affected by the negotiation having been a breach of duty by the person making the negotiation, or by the owner of the bill having been deprived of possession by fraud, accident, mistake, duress, loss, theft, or conversion, if the person to whom the bill is negotiated, or a person to whom the bill is subsequently negotiated, gives value for the bill in good faith and without notice of the