

“[OMITTED]

“SEC. 10. [Amended section 25 of the Interstate Commerce Act (former 49 U.S.C. 25).]

“[WEIGHT OF BULK CARGO]

“SEC. 11. Where under the customs of any trade the weight of any bulk cargo inserted in the bill of lading is a weight ascertained or accepted by a third party other than the carrier or the shipper, and the fact that the weight is so ascertained or accepted is stated in the bill of lading, then, notwithstanding anything in this Act, the bill of lading shall not be deemed to be prima facie evidence against the carrier of the receipt of goods of the weight so inserted in the bill of lading, and the accuracy thereof at the time of shipment shall not be deemed to have been guaranteed by the shipper.

“[RELATIONSHIP TO OTHER LAW]

“SEC. 12. Nothing in this Act shall be construed as superseding any part of the Act entitled ‘An Act relating to navigation of vessels, bills of lading, and to certain obligations, duties, and rights in connection with the carriage of property’, approved February 13, 1893 [now this chapter], or of any other law which would be applicable in the absence of this Act, insofar as they relate to the duties, responsibilities, and liabilities of the ship or carrier prior to the time when the goods are loaded on or after the time they are discharged from the ship.

“[SCOPE OF ACT; “UNITED STATES”; “FOREIGN TRADE”]

“SEC. 13. This Act shall apply to all contracts for carriage of goods by sea to or from ports of the United States in foreign trade. As used in this Act the term ‘United States’ includes its districts, territories, and possessions: *Provided, however,* That the Philippine Legislature may by law exclude its application to transportation to or from ports of the Philippine Islands. The term ‘foreign trade’ means the transportation of goods between the ports of the United States and ports of foreign countries. Nothing in this Act shall be held to apply to contracts for carriage of goods by sea between any port of the United States or its possessions, and any other port of the United States or its possessions: *Provided, however,* That any bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea between such ports, containing an express statement that it shall be subject to the provisions of this Act, shall be subjected hereto as fully as if subject hereto by the express provisions of this Act: *Provided further,* That every bill of lading or similar document of title which is evidence of a contract for the carriage of goods by sea from ports of the United States, in foreign trade, shall contain a statement that it shall have effect subject to the provisions of this Act.

“[As to proviso in second sentence that Philippine Legislature may by law exclude its application to transportation to or from ports of the Philippine Islands, see Proc. No. 2695, set out under section 1394 of Title 22, Foreign Relations and Intercourse, which proclaimed the independence of the Philippines.]

“[SUSPENSION OF PROVISIONS BY PRESIDENT]

“SEC. 14. Upon the certification of the Secretary of Transportation that the foreign commerce of the United States in its competition with that of foreign nations is prejudiced by the provisions, or any of them, of title I of this Act, or by the laws of any foreign country or countries relating to the carriage of goods by sea, the President of the United States may, from time to time, by proclamation, suspend any or all provisions of said sections for such periods of time or indefinitely as may be designated in the proclamation. The President may at any time rescind such suspension of said sections, and any provisions thereof which may have been suspended shall thereby be reinstated and again apply to contracts thereafter made for the carriage of

goods by sea. Any proclamation of suspension or rescission of any such suspension shall take effect on a date named therein, which date shall be not less than ten days from the issue of the proclamation.

“Any contract for the carriage of goods by sea, subject to the provisions of this Act, effective during any period when title I hereof, or any part thereof, are suspended, shall be subject to all provisions of law now or hereafter applicable to that part of title I which may have thus been suspended. [As amended Pub. L. 97-31, §12(146), Aug. 6, 1981, 95 Stat. 166.]

“[EFFECTIVE DATE]

“SEC. 15. This Act shall take effect ninety days after the date of its approval [April 16, 1936]; but nothing in this Act shall apply during a period not to exceed one year following its approval to any contract for the carriage of goods by sea, made before the date on which this Act is approved, nor to any bill of lading or similar document of title issued, whether before or after such date of approval in pursuance of any such contract as aforesaid.

“[SHORT TITLE]

“SEC. 16. This Act may be cited as the ‘Carriage of Goods by Sea Act.’”

**§ 30702. Application**

(a) IN GENERAL.—Except as otherwise provided, this chapter applies to a carrier engaged in the carriage of goods to or from any port in the United States.

(b) LIVE ANIMALS.—Sections 30703 and 30704 of this title do not apply to the carriage of live animals.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1516.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30702(a) .....	(no source).	
30702(b) .....	46 App.:195.	Feb. 13, 1893, ch. 105, §7, 27 Stat. 446.

Subsection (a) is added based on language appearing in various source provisions restated in this chapter. The word “carriage” is substituted for “transporting”, and the word “goods” is substituted for “merchandise or property”, to use the same terminology as in the Carriage of Goods By Sea Act (Apr. 16, 1936, ch. 229, 49 Stat. 1207). The words “to or from any port in the United States” are substituted for “from or between ports of the United States and foreign ports” in 46 App. U.S.C. 190 and 193, “from or between ports of the United States of America and foreign ports” in 46 App. U.S.C. 191, and “to or from any port in the United States of America” in 46 App. U.S.C. 192, for clarity and consistency. See *Knott v. Botany Mills*, 179 U.S. 69 (1900).

**§ 30703. Bills of lading**

(a) ISSUANCE.—On demand of a shipper, the carrier shall issue a bill of lading or shipping document.

(b) CONTENTS.—The bill of lading or shipping document shall include a statement of—

- (1) the marks necessary to identify the goods;
- (2) the number of packages, or the quantity or weight, and whether it is carrier’s or shipper’s weight; and
- (3) the apparent condition of the goods.

(c) PRIMA FACIE EVIDENCE OF RECEIPT.—A bill of lading or shipping document issued under this section is prima facie evidence of receipt of the goods described.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1516.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30703 .....	46 App.:193.	Feb. 13, 1893, ch. 105, §4, 27 Stat. 445.

In subsection (a), the words “On demand of a shipper” are added because of the reference to a demand in 46 App. U.S.C. 194. The words “transporting merchandise or property from or between ports of the United States and foreign ports” are omitted because of section 30702(a) of the revised title. The word “lawful” (which modifies “merchandise”) is omitted as unnecessary.

In subsection (b)(2), the words “or weight” are added for consistency with the requirement to state whether it is the carrier’s or shipper’s weight.

In subsection (b)(3), the word “order” is omitted as redundant to “condition”. The words “delivered to and received by . . . for transportation” are omitted as unnecessary.

**§ 30704. Loading, stowage, custody, care, and delivery**

A carrier may not insert in a bill of lading or shipping document a provision avoiding its liability for loss or damage arising from negligence or fault in loading, stowage, custody, care, or proper delivery. Any such provision is void.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1516.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30704 .....	46 App.:190.	Feb. 13, 1893, ch. 105, §1, 27 Stat. 445.

The words “transporting merchandise or property from or between ports of the United States and foreign ports” are omitted because of section 30702(a) of the revised title. The words “may not” are substituted for “It shall not be lawful . . . to”, and the word “provision” is substituted for “clause, covenant, or agreement”, to eliminate unnecessary words. The words “any and all lawful” and “committed to its or their charge” are omitted as unnecessary. The words “Any such provision is void” are substituted for “Any and all words or clauses of such import inserted in bills of lading or shipping receipts shall be null and void and of no effect” to eliminate unnecessary words.

**§ 30705. Seaworthiness**

(a) PROHIBITION.—A carrier may not insert in a bill of lading or shipping document a provision lessening or avoiding its obligation to exercise due diligence to—

- (1) make the vessel seaworthy; and
- (2) properly man, equip, and supply the vessel.

(b) VOIDNESS.—A provision described in subsection (a) is void.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1516.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30705 .....	46 App.:191.	Feb. 13, 1893, ch. 105, §2, 27 Stat. 445.

In subsection (a), before paragraph (1), the words “transporting merchandise or property from or be-

tween ports of the United States of America and foreign ports” are omitted because of section 30702(a) of the revised title. The words “may not” are substituted for “It shall not be lawful . . . to”, the word “provision” is substituted for “covenant or agreement”, and the words “lessening or avoiding its obligation” are substituted for “whereby the obligations . . . shall in any wise be lessened, weakened, or avoided”, to eliminate unnecessary words.

In paragraph (1), the words “and capable of performing her intended voyage” are omitted as unnecessary.

In paragraph (2), the word “supply” is substituted for “provision, and outfit” to eliminate unnecessary words.

The words “or whereby the obligations of the master, officers, agents, or servants to carefully handle and stow her cargo and to care for and properly deliver same” are omitted as covered by section 30704 of the revised title.

Subsection (b) is added for clarity and for consistency with section 30704 of the revised title.

**§ 30706. Defenses**

(a) DUE DILIGENCE.—If a carrier has exercised due diligence to make the vessel in all respects seaworthy and to properly man, equip, and supply the vessel, the carrier and the vessel are not liable for loss or damage arising from an error in the navigation or management of the vessel.

(b) OTHER DEFENSES.—A carrier and the vessel are not liable for loss or damage arising from—

- (1) dangers of the sea or other navigable waters;
- (2) acts of God;
- (3) public enemies;
- (4) seizure under legal process;
- (5) inherent defect, quality, or vice of the goods;
- (6) insufficiency of package;
- (7) act or omission of the shipper or owner of the goods or their agent; or
- (8) saving or attempting to save life or property at sea, including a deviation in rendering such a service.

(Pub. L. 109-304, §6(c), Oct. 6, 2006, 120 Stat. 1517.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
30706 .....	46 App.:192.	Feb. 13, 1893, ch. 105, §3, 27 Stat. 445.

This section is restated as two subsections to clarify that the exercise of due diligence in making the vessel seaworthy is a condition only to the defense of error in navigation or management restated in subsection (a). See *May v. Hamburg-Amerikanische Packetfahrt Aktiengesellschaft (The Isis)*, 290 U.S. 333, 353 (1933). The words “transporting merchandise or property to or from any port in the United States of America” are omitted because of section 30702(a) of the revised title.

**§ 30707. Criminal penalty**

(a) IN GENERAL.—A carrier that violates this chapter shall be fined under title 18.

(b) LIEN.—The amount of the fine and costs for the violation constitute a lien on the vessel engaged in the carriage. A civil action in rem to enforce the lien may be brought in the district court of the United States for any district in which the vessel is found.

(c) DISPOSITION OF FINE.—Half of the fine shall go to the person injured by the violation and half to the United States Government.