

are substituted for “either to the consignee or person in possession of the bill or to the adverse claimant” to eliminate unnecessary words. The words “civil action” are substituted for “legal proceedings” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.).

In subsection (e), before clause (1), the words “at least 2” are substituted for “more than one” for consistency in the revised title and with other titles of the United States Code. In clause (1), the words “civil action” are substituted for “an original suit” for consistency with rule 2 of the Federal Rules of Civil Procedure (28 App. U.S.C.). The words “whichever is appropriate” are omitted as unnecessary.

§ 80111. Liability for delivery of goods

(a) GENERAL RULES.—A common carrier is liable for damages to a person having title to, or right to possession of, goods when—

(1) the carrier delivers the goods to a person not entitled to their possession unless the delivery is authorized under section 80110(b)(2) or (3) of this title;

(2) the carrier makes a delivery under section 80110(b)(2) or (3) of this title after being requested by or for a person having title to, or right to possession of, the goods not to make the delivery; or

(3) at the time of delivery under section 80110(b)(2) or (3) of this title, the carrier has information it is delivering the goods to a person not entitled to their possession.

(b) EFFECTIVENESS OF REQUEST OR INFORMATION.—A request or information is effective under subsection (a)(2) or (3) of this section only if—

(1) an officer or agent of the carrier, whose actual or apparent authority includes acting on the request or information, has been given the request or information; and

(2) the officer or agent has had time, exercising reasonable diligence, to stop delivery of the goods.

(c) FAILURE TO TAKE AND CANCEL BILLS.—Except as provided in subsection (d) of this section, if a common carrier delivers goods for which a negotiable bill of lading has been issued without taking and canceling the bill, the carrier is liable for damages for failure to deliver the goods to a person purchasing the bill for value in good faith whether the purchase was before or after delivery and even when delivery was made to the person entitled to the goods. The carrier also is liable under this paragraph if part of the goods are delivered without taking and canceling the bill or plainly noting on the bill that a partial delivery was made and generally describing the goods or the remaining goods kept by the carrier.

(d) EXCEPTIONS TO LIABILITY.—A common carrier is not liable for failure to deliver goods to the consignee or owner of the goods or a holder of the bill if—

(1) a delivery described in subsection (c) of this section was compelled by legal process;

(2) the goods have been sold lawfully to satisfy the carrier’s lien;

(3) the goods have not been claimed; or

(4) the goods are perishable or hazardous.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1350.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--|---|
| 80111(a) | 49 App.:90 (less last par.). | Aug. 29, 1916, ch. 415, §§10–12, 26, 39 Stat. 540, 542. |
| 80111(b) | 49 App.:90 (last par.). | |
| 80111(c) | 49 App.:91 (words after 2d comma). 49 App.:92 (words after 2d comma). | |
| 80111(d) | 49 App.:91 (words before 2d comma). 49 App.:92 (words before 2d comma). 49 App.:106. | |

In subsection (a), before clause (1), the word “title” is substituted for “right of property” for consistency in this chapter.

In subsection (c), the words “negotiable bill of lading” are substituted for “order bill . . . the negotiation of which would transfer the right to the possession of the goods” in 49 App.:91 for consistency in this chapter.

§ 80112. Liability under negotiable bills issued in parts, sets, or duplicates

(a) PARTS AND SETS.—A negotiable bill of lading issued in a State for the transportation of goods to a place in the 48 contiguous States or the District of Columbia may not be issued in parts or sets. A common carrier issuing a bill in violation of this subsection is liable for damages for failure to deliver the goods to a purchaser of one part for value in good faith even though the purchase occurred after the carrier delivered the goods to a holder of one of the other parts.

(b) DUPLICATES.—When at least 2 negotiable bills of lading are issued in a State for the same goods to be transported to a place in the 48 contiguous States or the District of Columbia, the word “duplicate” or another word indicating that the bill is not an original must be put plainly on the face of each bill except the original. A common carrier violating this subsection is liable for damages caused by the violation to a purchaser of the bill for value in good faith as an original bill even though the purchase occurred after the carrier delivered the goods to the holder of the original bill.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1351.)

HISTORICAL AND REVISION NOTES

| Revised Section | Source (U.S. Code) | Source (Statutes at Large) |
|-----------------|--------------------|---|
| 80112(a) | 49 App.:84. | Aug. 29, 1916, ch. 415, §§4, 5, 39 Stat. 539. |
| 80112(b) | 49 App.:85. | |

In this section, the words “48 contiguous States or the District of Columbia” are substituted for “United States on the Continent of North America, except Alaska and Panama” and the text of 49 App.:84 (proviso) and 85 (proviso) for clarity.

In subsection (a), the words “If so issued” and “described therein” are omitted as surplus. The word “occurred” is added for clarity.

§ 80113. Liability for nonreceipt, misdescription, and improper loading

(a) LIABILITY FOR NONRECEIPT AND MISDESCRIPTION.—Except as provided in this section, a common carrier issuing a bill of lading is liable for damages caused by nonreceipt by the carrier of any part of the goods by the date shown in the