

profit as a public market for livestock producers, feeders, market agencies, and buyers, consisting of pens, or other inclosures, and their appurtenances, in which live cattle, sheep, swine, horses, mules, or goats are received, held, or kept for sale or shipment in commerce.

(b) The Secretary shall from time to time ascertain, after such inquiry as he deems necessary, the stockyards which come within the foregoing definition, and shall give notice thereof to the stockyard owners concerned, and give public notice thereof by posting copies of such notice in the stockyard, and in such other manner as he may determine. After the giving of such notice to the stockyard owner and to the public, the stockyard shall remain subject to the provisions of this subchapter until like notice is given by the Secretary that such stockyard no longer comes within the foregoing definition.

(Aug. 15, 1921, ch. 64, title III, §302, 42 Stat. 163; Pub. L. 85-909, §2(2), Sept. 2, 1958, 72 Stat. 1750; Pub. L. 90-446, §1(a), July 31, 1968, 82 Stat. 474.)

#### AMENDMENTS

1968—Subsec. (a). Pub. L. 90-446 substituted “operated, or managed for profit or nonprofit as a public market for livestock producers, feeders, market agencies, and buyers” for “or operated for compensation or profit as a public market”.

1958—Subsec. (a). Pub. L. 85-909 struck out “Said sections shall not apply to a stockyard of which the area normally available for handling livestock, exclusive of runs, alleys, or passage ways, is less than twenty thousand square feet.”

#### TRANSPORTATION OF LIVESTOCK

Pub. L. 85-909, §2(2), Sept. 2, 1958, 72 Stat. 1750, provided in part: “That nothing herein [this section] shall be deemed a definition of the term ‘public stockyards’ as used in section 15(5) of the Interstate Commerce Act [former 49 U.S.C. 15(5)]”.

### § 203. Activity as stockyard dealer or market agency; benefits to business and welfare of stockyard; registration; penalty for failure to register

After the expiration of thirty days after the Secretary has given public notice that any stockyard is within the definition of section 202 of this title, by posting copies of such notice in the stockyard, no person shall carry on the business of a market agency or dealer at such stockyard unless (1) the stockyard owner has determined that his services will be beneficial to the business and welfare of said stockyard, its patrons, and customers, which determination shall be made on a basis which is not unreasonable or unjustly discriminatory, and has given written authorization to such person, and (2) he has registered with the Secretary, under such rules and regulations as the Secretary may prescribe, his name and address, the character of business in which he is engaged, and the kinds of stockyards services, if any, which he furnishes at such stockyard. Every other person operating as a market agency or dealer as defined in section 201 of this title may be required to register in such manner as the Secretary may prescribe. Whoever violates the provisions of this section shall be liable to a penalty of not more than \$500 for each such offense and not more than \$25 for

each day it continues, which shall accrue to the United States and may be recovered in a civil action brought by the United States.

(Aug. 15, 1921, ch. 64, title III, §303, 42 Stat. 163; Pub. L. 85-909, §2(3), Sept. 2, 1958, 72 Stat. 1750; Pub. L. 90-446, §1(b), July 31, 1968, 82 Stat. 474.)

#### AMENDMENTS

1968—Pub. L. 90-446 designated existing provisions as cl. (2) and added cl. (1).

1958—Pub. L. 85-909 inserted “Every other person operating as a market agency or dealer as defined in section 201 of this title may be required to register in such manner as the Secretary may prescribe.”

### § 204. Bond and suspension of registrants

On and after July 12, 1943, the Secretary may require reasonable bonds from every market agency (as defined in this subchapter), every packer (as defined in subchapter II of this chapter) in connection with its livestock purchasing operations (except that those packers whose average annual purchases do not exceed \$500,000 will be exempt from the provisions of this paragraph), and every other person operating as a dealer (as defined in this subchapter) under such rules and regulations as he may prescribe, to secure the performance of their obligations, and whenever, after due notice and hearing, the Secretary finds any registrant is insolvent or has violated any provisions of this chapter he may issue an order suspending such registrant for a reasonable specified period. Such order of suspension shall take effect within not less than five days, unless suspended or modified or set aside by the Secretary or a court of competent jurisdiction. If the Secretary finds any packer is insolvent, he may after notice and hearing issue an order under the provisions of section 193 of this title requiring such packer to cease and desist from purchasing livestock while insolvent, or while insolvent purchasing livestock except under such conditions as the Secretary may prescribe to effectuate the purposes of this chapter.

(July 12, 1943, ch. 215, 57 Stat. 422; Pub. L. 94-410, §§1, 4, Sept. 13, 1976, 90 Stat. 1249.)

#### CODIFICATION

Section was enacted as part of the Department of Agriculture Appropriation Act, 1944, act July 12, 1943, and not as part of the Packers and Stockyards Act, 1921, which comprises this chapter.

#### AMENDMENTS

1976—Pub. L. 94-410 inserted provisions exempting market agencies and packers whose average annual purchases do not exceed \$500,000 from bonding requirement and authorizing Secretary, after notice and hearing, to issue cease and desist orders to insolvent packers prohibiting the purchase of livestock except under conditions prescribed by Secretary, respectively.

#### PRIOR PROVISIONS

Provisions similar to those in this section were contained in the following prior appropriation acts:

July 22, 1942, ch. 516, 56 Stat. 689.  
 July 1, 1941, ch. 267, 55 Stat. 432.  
 June 25, 1940, ch. 421, 54 Stat. 557.  
 June 30, 1939, ch. 253, title I, 53 Stat. 970.  
 June 16, 1938, ch. 464, title I, 52 Stat. 721.  
 June 29, 1937, ch. 404, 50 Stat. 406.  
 June 4, 1936, ch. 489, 49 Stat. 1432.  
 May 17, 1935, ch. 131, title I, 49 Stat. 257.