

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).	
80111(d) .....	49 App.:91 (words before 2d comma).	

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.)

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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

bill or by failure of the goods to correspond with the description contained in the bill. The carrier is liable to the owner of goods transported under a nonnegotiable bill (subject to the right of stoppage in transit) or to the holder of a negotiable bill if the owner or holder gave value in good faith relying on the description of the goods in the bill or on the shipment being made on the date shown in the bill.

(b) NONLIABILITY OF CARRIERS.—A common carrier issuing a bill of lading is not liable under subsection (a) of this section—

- (1) when the goods are loaded by the shipper;
- (2) when the bill—

(A) describes the goods in terms of marks or labels, or in a statement about kind, quantity, or condition; or

(B) is qualified by "contents or condition of contents of packages unknown", "said to contain", "shipper's weight, load, and count", or words of the same meaning; and

- (3) to the extent the carrier does not know whether any part of the goods were received or conform to the description.

(c) LIABILITY FOR IMPROPER LOADING.—A common carrier issuing a bill of lading is not liable for damages caused by improper loading if—

- (1) the shipper loads the goods; and
- (2) the bill contains the words "shipper's weight, load, and count", or words of the same meaning indicating the shipper loaded the goods.

(d) CARRIER'S DUTY TO DETERMINE KIND, QUANTITY, AND NUMBER.—(1) When bulk freight is loaded by a shipper that makes available to the common carrier adequate facilities for weighing the freight, the carrier must determine the kind and quantity of the freight within a reasonable time after receiving the written request of the shipper to make the determination. In that situation, inserting the words "shipper's weight" or words of the same meaning in the bill of lading has no effect.

(2) When goods are loaded by a common carrier, the carrier must count the packages of goods, if package freight, and determine the kind and quantity, if bulk freight. In that situation, inserting in the bill of lading or in a notice, receipt, contract, rule, or tariff, the words "shipper's weight, load, and count" or words indicating that the shipper described and loaded the goods, has no effect except for freight concealed by packages.

(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)
80113(a) .....	49 App.:102.	Aug. 29, 1916, ch. 415, §22, 39 Stat. 542; restated Mar. 4, 1927, ch. 510, §6, 44 Stat. 1450.
80113(b) .....	49 App.:101 (1st sentence).	
80113(c) .....	49 App.:101 (last sentence words before proviso).	Aug. 29, 1916, ch. 415, §§20, 21, 39 Stat. 541.
80113(d)(1) ..	49 App.:101 (last sentence proviso).	
80113(d)(2) ..	49 App.:100.	

In subsection (a), the words "a common carrier issuing a bill of lading" are substituted for "If a bill of lad-