

HISTORICAL AND REVISION NOTES—CONTINUED

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80306(b)	49 App.:784 (less proviso).	

In subsections (a)(1) and (b)(3), the word “compromise” is substituted for “remission or mitigation” for consistency in the revised title.

In subsection (a), before clause (1), the words “in addition to another law” are substituted for “shall be construed to be supplemental to, and not to impair in any way, existing provisions of law” to eliminate unnecessary words.

In subsection (b), before clause (1), the words “under this chapter” are substituted for “incurred, or alleged to have been incurred, under the provisions of this chapter” to eliminate unnecessary words. In clause (1), the word “forfeiture” is substituted for “summary and judicial forfeiture” to eliminate unnecessary words.

CHAPTER 805—MISCELLANEOUS

Sec.	
80501.	Damage to transported property.
80502.	Transportation of animals.
80503.	Payments for inspection and quarantine services.
80504.	Medals of honor.

§ 80501. Damage to transported property

(a) CRIMINAL PENALTY.—A person willfully damaging, or attempting to damage, property in the possession of an air carrier, motor carrier, or rail carrier and being transported in interstate or foreign commerce, shall be fined under title 18, imprisoned for not more than 10 years, or both. In a criminal proceeding under this section, a shipping document for the property is prima facie evidence of the places to which and from which the property was being transported.

(b) PROHIBITION AGAINST MULTIPLE PROSECUTIONS FOR SAME ACT.—A person may not be prosecuted for an act under this section when the person has been convicted or acquitted on the merits for the same act under the laws of a State, the District of Columbia, or a territory or possession of the United States.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1356.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
80501(a)	15:1281.	Sept. 13, 1961, Pub. L. 87–221, 75 Stat. 494.
80501(b)	15:1282.	

In subsection (a), the words “A person . . . shall be fined under title 18” are substituted for “It shall be unlawful for any person” and “Whoever violates any provision of subsection (a) of this section shall be fined not more than \$5,000” to eliminate unnecessary words and for consistency with title 18. The word “damaging” is substituted for “destroy or injure” because it is inclusive. The words “air carrier, motor carrier, or rail carrier” are substituted for “common or contract carrier by railroad, motor vehicle, or aircraft”, and the words “being transported” are substituted for “moving”, for consistency in the revised title. The words “In a criminal proceeding under this section” are substituted for “To establish the interstate or foreign commerce character of any property involved in any prosecution under this section” to eliminate unnecessary words. The words “shipping document” are substituted for

“waybill or similar shipping document” because they are inclusive.

In subsection (b), the words “A person may not be prosecuted for an act under this section when the person has been convicted or acquitted on the merits for the same act” are substituted for “A judgment of conviction or acquittal on the merits . . . shall be a bar to any prosecution under this chapter for the same act or acts” for clarity. The word “territory” is added for consistency in the revised title and with other titles of the United States Code. The words “or the Commonwealth of Puerto Rico” are omitted as unnecessary because of 48:734.

§ 80502. Transportation of animals

(a) CONFINEMENT.—(1) Except as provided in this section, a rail carrier, express carrier, or common carrier (except by air or water), a receiver, trustee, or lessee of one of those carriers, or an owner or master of a vessel transporting animals from a place in a State, the District of Columbia, or a territory or possession of the United States through or to a place in another State, the District of Columbia, or a territory or possession, may not confine animals in a vehicle or vessel for more than 28 consecutive hours without unloading the animals for feeding, water, and rest.

(2) Sheep may be confined for an additional 8 consecutive hours without being unloaded when the 28-hour period of confinement ends at night. Animals may be confined for—

(A) more than 28 hours when the animals cannot be unloaded because of accidental or unavoidable causes that could not have been anticipated or avoided when being careful; and

(B) 36 consecutive hours when the owner or person having custody of animals being transported requests, in writing and separate from a bill of lading or other rail form, that the 28-hour period be extended to 36 hours.

(3) Time spent in loading and unloading animals is not included as part of a period of confinement under this subsection.

(b) UNLOADING, FEEDING, WATERING, AND REST.—Animals being transported shall be unloaded in a humane way into pens equipped for feeding, water, and rest for at least 5 consecutive hours. The owner or person having custody of the animals shall feed and water the animals. When the animals are not fed and watered by the owner or person having custody, the rail carrier, express carrier, or common carrier (except by air or water), the receiver, trustee, or lessee of one of those carriers, or the owner or master of a vessel transporting the animals—

(1) shall feed and water the animals at the reasonable expense of the owner or person having custody, except that the owner or shipper may provide food;

(2) has a lien on the animals for providing food, care, and custody that may be collected at the destination in the same way that a transportation charge is collected; and

(3) is not liable for detaining the animals for a reasonable period to comply with subsection (a) of this section.

(c) NONAPPLICATION.—This section does not apply when animals are transported in a vehicle or vessel in which the animals have food, water, space, and an opportunity for rest.