duties, and examinations of locomotive inspectors and provided that provisions of sections 22 to 29 and 31 to 34 of this title were applicable to all parts of locomotives and tenders. See sections 20701 to 20703 and 21302 of Title 49.

Section 31, acts Feb. 17, 1911, ch. 103, §7, 36 Stat. 916; Apr. 22, 1940, ch. 124, §1, 54 Stat. 148; Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(E), 80 Stat. 939, related to annual report of director of locomotive inspection to Secretary of Transportation.

Section 32, acts Feb. 17, 1911, ch. 103, §8, 36 Stat. 916; Apr. 22, 1940, ch. 124, §1, 54 Stat. 148; June 22, 1988, Pub. L. 100–342, §14(6), 102 Stat. 633, required railroad to report accidents resulting from failure of locomotive boilers or appurtenances to director of locomotive inspection and to preserve disabled parts for inspection, investigation, and report by director. See section 20703 of Title 49, Transportation.

Section 33, acts Feb. 17, 1911, ch. 103, §8, 36 Stat. 916; Apr. 22, 1940, ch. 124, §1, 54 Stat. 148; Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(E), 80 Stat. 939; Jan. 3, 1975, Pub. L. 93–633, title III, §304, 88 Stat. 2168, related to reports by Secretary of Transportation of accident investigations conducted pursuant to section 32 of this title. See section 20703 of Title 49.

Section 34, acts Feb. 17, 1911, ch. 103, §9, 36 Stat. 916; Apr. 22, 1940, ch. 124, §1, 54 Stat. 148; Aug. 14, 1957, Pub. L. 85–135, §3, 71 Stat. 352; July 8, 1976, Pub. L. 94–348, §3(c), 90 Stat. 818; Nov. 2, 1978, Pub. L. 95–574, §7(c), 92 Stat. 2461; Oct. 10, 1980, Pub. L. 96–423, §8(c), 94 Stat. 1814; June 22, 1988, Pub. L. 100–342, §14(7), 102 Stat. 633; Sept. 3, 1992, Pub. L. 102–365, §§4(a)(1), (c)(7), 9(a)(8), 106 Stat. 973, 975, 978, related to penalty for willful violations of sections 22 to 29 and 31 to 34 of this title, or rules or regulations made thereunder, or any lawful order of any inspector, duty of United States attorney to sue for such violations, and duty of director of locomotive inspection to inform proper United States attorney of violations coming to his knowledge. See sections 21302 and 21304 of Title 49.

Section 35, acts June 30, 1906, No. 46, 34 Stat. 838; Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(H), 80 Stat. 939, directed Secretary of Transportation to investigate and report on block-signal systems and appliances for automatic control of trains and empowered Secretary to obtain evidence to carry out and give effect to this provision.

Section 36, acts May 27, 1908, ch. 200, §1, 35 Stat. 325; Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(I), 80 Stat. 939, related to investigation and testing by Secretary of Transportation of appliances or systems to promote safety of railway operation. See section 20504 of Title 49, Transportation.

Section 37, acts May 27, 1908, ch. 200, §1, 35 Stat. 325; Mar. 4, 1909, ch. 299, §1, 35 Stat. 965; Aug. 12, 1970, Pub. L. 91–375, §4(a), 84 Stat. 773, related to inspection of mail cars. See section 20305 of Title 49.

Section 38, acts May 6, 1910, ch. 208, §1, 36 Stat. 350; Sept. 13, 1960, Pub. L. 86–762, §1, 74 Stat. 903; Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(K), 80 Stat. 939; June 22, 1988, Pub. L. 100–342, §15(1), 102 Stat. 633, related to duty of railroad to make monthly reports of railroad accidents to Secretary of Transportation and defined ''railroad'' for purposes of sections 38 to 43 of this title. See sections 20102 and 20901 of Title 49.

Section 39, acts May 6, 1910, ch. 208, §2, 36 Stat. 351; Jan. 3, 1975, Pub. L. 93–633, title II, §204(b), 88 Stat. 2166; June 22, 1988, Pub. L. 100–342, §15(2), 102 Stat. 634; Sept. 3, 1992, Pub. L. 102–365, §4(a)(3), 106 Stat. 973, related to penalty for failure of railroad to make report provided for in section 38 of this title. See sections 20901 and 21311 of Title 49.

Section 40, acts May 6, 1910, ch. 208, §3, 36 Stat. 351; Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(K), 80 Stat. 939; Jan. 3, 1975, Pub. L. 93–633, title III, §304, 88 Stat. 2168; June 22, 1988, Pub. L. 100–342, §15(3), 102 Stat. 634, authorized Secretary of Transportation to investigate railroad accidents, with proviso that Secretary cooperate with State commissions in such investigations if convenient and make reports of such investigations when in the public interest. See section 20902 of Title 49.

Section 41, act May 6, 1910, ch. 208, §4, 36 Stat. 351, provided that reports required by sections 38 and 40 of this title were not admissible as evidence in suits for damages. See section 20903 of Title 49.

Section 42, acts May 6, 1910, ch. 208, §5, 36 Stat. 351; Sept. 13, 1960, Pub. L. 86–762, §2, 74 Stat. 904; Oct. 15, 1966, Pub. L. 89–670, §6(e)(1)(K), 80 Stat. 939, authorized Secretary of Transportation to prescribe rules, regulations, and forms for making reports as necessary to implement and effectuate purposes of sections 38 to 43 of this title.

Section 43, acts May 6, 1910, ch. 208, §7, 36 Stat. 351; Sept. 13, 1960, Pub. L. 86–762, §3, 74 Stat. 904; June 22, 1988, Pub. L. 100–342, §15(4), 102 Stat. 634; Sept. 3, 1992, Pub. L. 102–365, §§4(a)(1), (c)(5), 9(a)(6), 106 Stat. 973, 974, 978, related to penalty for willful violations by any person of sections 38 to 43 of this title or any rule, regulation, order, or standard issued under such sections or the Federal Railroad Safety Act of 1970 (formerly 45 U.S.C. §431 et seq.) and duty of United States attorney to sue for such violations. See sections 21302 and 21304 of Title 49, Transportation.

Section 43a, Pub. L. 100–342, §24, June 22, 1988, 102 Stat. 639, related to accident reports in which railroads assign human error as cause of accident or incident and provision that such reports contain an explanatory statement by employees involved. See section 20901 of Title 49.

SHORT TITLE

Act May 6, 1910, ch. 208, 36 Stat. 350, as amended, popularly known as the ''Accident Reports Act'', was classified to sections 38 to 43 of this title prior to repeal by Pub. L. 103–272, §7(b), July 5, 1994, 108 Stat. 1379.

§§ 44 to 46. Transferred

CODIFICATION

Sections 44 to 46 were transferred to sections 1201 to 1203, respectively, of former Title 49, Transportation, and were subsequently repealed and restated in section 80504 of Title 49, Transportation, by Pub. L. 103–272, §§1(e), 7(b), July 5, 1994, 108 Stat. 1358, 1379.

Section 44, acts Feb. 23, 1905, ch. 744, §1, 33 Stat. 743; June 13, 1957, Pub. L. 85–50, §1(1), 71 Stat. 69, related to awards for acts of heroism involving railroads or motor vehicles.

Section 45, act Feb. 23, 1905, ch. 744, §2, 33 Stat. 743, related to issuance of rosettes and ribbons.

Section 46, acts Feb. 23, 1905, ch. 744, §3, 33 Stat. 743; June 13, 1957, Pub. L. 85–50, §1(2), 71 Stat. 69, related to authorization of appropriations for carrying out sections 44 and 45 of this title.

CHAPTER 2—LIABILITY FOR INJURIES TO EMPLOYEES

Sec.
51. Liability of common carriers by railroad, in interstate or foreign commerce, for injuries to employees from negligence; employee defined.
52. Carriers in Territories or other possessions of United States.
53. Contributory negligence; diminution of damages.
54. Assumption of risks of employment.
54a. Certain Federal and State regulations deemed statutory authority.
55. Contract, rule, regulation, or device exempting from liability; set-off.
56. Actions; limitation; concurrent jurisdiction of courts.
57. Who included in term ''common carrier''.
58. Duty or liability of common carriers and rights of employees under other acts not impaired.
59. Survival of right of action of person injured.
60. Penalty for suppression of voluntary information incident to accidents; separability.

§ 51. Liability of common carriers by railroad, in interstate or foreign commerce, for injuries to employees from negligence; employee defined

Every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

Any employee of a carrier, any part of whose duties as such employee shall be the furtherance of interstate or foreign commerce; or shall, in any way directly or closely and substantially, affect such commerce as above set forth shall, for the purposes of this chapter, be considered as being employed by such carrier in such commerce and shall be considered as entitled to the benefits of this chapter.

(Apr. 22, 1908, ch. 149, § 1, 35 Stat. 65; Aug. 11, 1939, ch. 685, § 1, 53 Stat. 1404.)

AMENDMENTS

1939—Act Aug. 11, 1939, inserted last par.

SHORT TITLE

The Act of Apr. 22, 1908, as amended, which comprises this chapter, is popularly known as the "Employers' Liability Act".

The following are also popularly known as Employers' Liability Acts:

June 11, 1906, ch. 3073, 34 Stat. 232 [Unconstitutional].

Apr. 5, 1910, ch. 143, 36 Stat. 291. See sections 56 and 59 of this title.

Aug. 11, 1939, ch. 685, 53 Stat. 1404. See sections 51, 54, 56, and 60 of this title.

§ 52. Carriers in Territories or other possessions of United States

Every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment.

(Apr. 22, 1908, ch. 149, § 2, 35 Stat. 65.)

§ 53. Contributory negligence; diminution of damages

In all actions on and after April 22, 1908 brought against any such common carrier by railroad under or by virtue of any of the provisions of this chapter to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

(Apr. 22, 1908, ch. 149, § 3, 35 Stat. 66.)

§ 54. Assumption of risks of employment

In any action brought against any common carrier under or by virtue of any of the provisions of this chapter to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where such injury or death resulted in whole or in part from the negligence of any of the officers, agents, or employees of such carrier; and no employee shall be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee.

(Apr. 22, 1908, ch. 149, § 4, 35 Stat. 66; Aug. 11, 1939, ch. 685, § 1, 53 Stat. 1404.)

AMENDMENTS

1939—Act Aug. 11, 1939, inserted "where such injury or death resulted in whole or in part from the negligence of any of the officers, agents, or employees of such carrier; and no employee shall be held to have assumed the risks of his employment in any case" after "of his employment in any case".

§ 54a. Certain Federal and State regulations deemed statutory authority

A regulation, standard, or requirement in force, or prescribed by the Secretary of Transportation under chapter 201 of title 49 or by a State agency that is participating in investigative and surveillance activities under section 20105 of title 49, is deemed to be a statute under sections 53 and 54 of this title.

(Apr. 22, 1908, ch. 149, § 4A, as added Pub. L. 103–272, § 4(i), July 5, 1994, 108 Stat. 1365.)

§ 55. Contract, rule, regulation, or device exempting from liability; set-off

Any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this chapter, shall