

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS**SUBTITLE II - PUBLIC BUILDINGS AND WORKS****PART A - GENERAL****CHAPTER 37 - CONTRACT WORK HOURS AND SAFETY STANDARDS****§ 3701. Definition and application**

(a) **Definition.**— In this chapter, the term “Federal Government” has the same meaning that the term “United States” had in the Contract Work Hours and Safety Standards Act (Public Law 87–581, 76 Stat. 357).

(b) **Application.**—

(1) **Contracts.**— This chapter applies to—

(A) any contract that may require or involve the employment of laborers or mechanics on a public work of the Federal Government, a territory of the United States, or the District of Columbia; and

(B) any other contract that may require or involve the employment of laborers or mechanics if the contract is one—

(i) to which the Government, an agency or instrumentality of the Government, a territory, or the District of Columbia is a party;

(ii) which is made for or on behalf of the Government, an agency or instrumentality, a territory, or the District of Columbia; or

(iii) which is a contract for work financed at least in part by loans or grants from, or loans insured or guaranteed by, the Government or an agency or instrumentality under any federal law providing wage standards for the work.

(2) **Laborers and mechanics.**— This chapter applies to all laborers and mechanics employed by a contractor or subcontractor in the performance of any part of the work under the contract—

(A) including watchmen, guards, and workers performing services in connection with dredging or rock excavation in any river or harbor of the United States, a territory, or the District of Columbia; but

(B) not including an employee employed as a seaman.

(3) **Exceptions.**—

(A) **This chapter.**— This chapter does not apply to—

(i) a contract for—

(I) transportation by land, air, or water;

(II) the transmission of intelligence; or

(III) the purchase of supplies or materials or articles ordinarily available in the open market;

(ii) any work required to be done in accordance with the provisions of the Walsh-Healey Act (41 U.S.C. 35 et seq.); and

(iii) a contract in an amount that is not greater than \$100,000.

(B) **Section 3702.**— Section 3702 of this title does not apply to work where the assistance described in paragraph (1)(B)(iii) from the Government or an agency or instrumentality is only a loan guarantee or insurance.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1169; Pub. L. 109–284, § 6(14), Sept. 27, 2006, 120 Stat. 1213.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3701(a)	(no source).	
3701(b)(1)	40:329(a) (1st sentence less proviso).	Pub. L. 87-581, title I, § 103(a), (b), Aug. 13, 1962, 76 Stat. 358.
3701(b)(2)	40:329(a) (last sentence).	
3701(b)(3) (A)(i), (ii)	40:329(b).	
3701(b)(3) (A)(iii)	40:329(c).	Pub. L. 87-581, title I, § 103(c), as added Pub. L. 103-355, title IV, § 4104(c)(1), Oct. 13, 1994, 108 Stat. 3342.
3701(b)(3)(B)	40:329(a) (1st sentence proviso).	

Subsection (a) is added for clarity.

In subsection (b)(1), before clause (A), the words “except as otherwise provided” are omitted as unnecessary.

In subsection (b)(2), before clause (A), the words “Except as otherwise expressly provided” are omitted as unnecessary.

In subsection (b)(3)(A)(ii), the words “Walsh-Healey Act” are substituted for “[”Walsh-Healey Public Contracts Act” to use the correct short title of the Act.

References in Text

The Contract Work Hours and Safety Standards Act, referred to in subsec. (a), is title I of Pub. L. 87-581, Aug. 13, 1962, 76 Stat. 357, as amended, which was classified generally to subchapter II (§ 327 et seq.) of chapter 5 of former Title 40, Public Buildings, Property, and Works, prior to repeal and reenactment as this chapter by Pub. L. 107-217, §§ 1, 6 (b), Aug. 21, 2002, 116 Stat. 1062, 1304. Section 101 of title I of Pub. L. 87-581 was classified to section 327 of former Title 40 and was repealed and not reenacted by Pub. L. 107-217. For complete classification of this Act to the Code, see Tables.

The Walsh-Healey Act, referred to in subsec. (b)(3)(A)(ii), is act June 30, 1936, ch. 881, 49 Stat. 2036, as amended, which is classified generally to sections 35 to 45 of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title note set out under section 35 of Title 41 and Tables. See also section 262 of Title 29, Labor.

Amendments

2006—Subsec. (b)(3)(B). Pub. L. 109-284 substituted “3702” for “3902” in heading and text and “paragraph (1)(B)(iii)” for “subsection (a)(2)(C)” in text.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS**SUBTITLE II - PUBLIC BUILDINGS AND WORKS****PART A - GENERAL****CHAPTER 37 - CONTRACT WORK HOURS AND SAFETY STANDARDS****§ 3702. Work hours**

(a) **Standard Workweek.**— The wages of every laborer and mechanic employed by any contractor or subcontractor in the performance of work on a contract described in section 3701 of this title shall be computed on the basis of a standard workweek of 40 hours. Work in excess of the standard workweek is permitted subject to this section. For each workweek in which the laborer or mechanic is so employed, wages include compensation, at a rate not less than one and one-half times the basic rate of pay, for all hours worked in excess of 40 hours in the workweek.

(b) **Contract Requirements.**— A contract described in section 3701 of this title, and any obligation of the Federal Government, a territory of the United States, or the District of Columbia in connection with that contract, must provide that—

(1) a contractor or subcontractor contracting for any part of the contract work which may require or involve the employment of laborers or mechanics shall not require or permit any laborer or mechanic, in any workweek in which the laborer or mechanic is employed on that work, to work more than 40 hours in that workweek, except as provided in this chapter; and

(2) when a violation of clause (1) occurs, the contractor and any subcontractor responsible for the violation are liable—

(A) to the affected employee for the employee's unpaid wages; and

(B) to the Government, the District of Columbia, or a territory for liquidated damages as provided in the contract.

(c) **Liquidated Damages.**— Liquidated damages under subsection (b)(2)(B) shall be computed for each individual employed as a laborer or mechanic in violation of this chapter and shall be equal to \$10 for each calendar day on which the individual was required or permitted to work in excess of the standard workweek without payment of the overtime wages required by this chapter.

(d) **Amounts Withheld To Satisfy Liabilities.**— Subject to section 3703 of this title, the governmental agency for which the contract work is done or which is providing financial assistance for the work may withhold, or have withheld, from money payable because of work performed by a contractor or subcontractor, amounts administratively determined to be necessary to satisfy the liabilities of the contractor or subcontractor for unpaid wages and liquidated damages as provided in this section.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1169; Pub. L. 109–284, § 6(15), Sept. 27, 2006, 120 Stat. 1213.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3702(a)	40:328(a).	Pub. L. 87–581, title I, § 102, Aug. 13, 1962, 76 Stat. 357; Pub. L. 99–145, title XII, § 1241(a), Nov. 8, 1985, 99 Stat. 734.
3702(b)	40:328(b) (words before (1)), (1), (2) (1st sentence).	
3702(c)	40:328(b)(2) (2d sentence).	
3702(d)	40:328(b)(2) (last sentence).	

In subsection (a). the words “Notwithstanding any other provision of law” are omitted as unnecessary.

40 USC 3702

NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscpint.html>).

Amendments

2006—Subsec. (d). Pub. L. 109–284 substituted “To” for “to” in heading.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS**SUBTITLE II - PUBLIC BUILDINGS AND WORKS****PART A - GENERAL****CHAPTER 37 - CONTRACT WORK HOURS AND SAFETY STANDARDS****§ 3703. Report of violations and withholding of amounts for unpaid wages and liquidated damages**

(a) **Reports of Inspectors.**— An officer or individual designated as an inspector of the work to be performed under a contract described in section 3701 of this title, or to aid in the enforcement or fulfillment of the contract, on observation or after investigation immediately shall report to the proper officer of the Federal Government, a territory of the United States, or the District of Columbia all violations of this chapter occurring in the performance of the work, together with the name of each laborer or mechanic who was required or permitted to work in violation of this chapter and the day the violation occurred.

(b) **Withholding Amounts.**—

(1) **Determining amount.**— The amount of unpaid wages and liquidated damages owing under this chapter shall be determined administratively.

(2) **Amount directed to be withheld.**— The officer or individual whose duty it is to approve the payment of money by the Government, territory, or District of Columbia in connection with the performance of the contract work shall direct the amount of—

(A) liquidated damages to be withheld for the use and benefit of the Government, territory, or District; and

(B) unpaid wages to be withheld for the use and benefit of the laborers and mechanics who were not compensated as required under this chapter.

(3) **Payment.**— The Comptroller General shall pay the amount administratively determined to be due directly to the laborers and mechanics from amounts withheld on account of underpayments of wages if the amount withheld is adequate. If the amount withheld is not adequate, the Comptroller General shall pay an equitable proportion of the amount due.

(c) **Right of Action and Intervention Against Contractors and Sureties.**— If the accrued payments withheld under the terms of the contract are insufficient to reimburse all the laborers and mechanics who have not been paid the wages required under this chapter, the laborers and mechanics, in the case of a department or agency of the Government, have the same right of action and intervention against the contractor and the contractor's sureties as is conferred by law on persons furnishing labor or materials. In those proceedings it is not a defense that the laborers and mechanics accepted or agreed to accept less than the required rate of wages or voluntarily made refunds.

(d) **Review Process.**—

(1) **Time limit for appeal.**— Within 60 days after an amount is withheld as liquidated damages, any contractor or subcontractor aggrieved by the withholding may appeal to the head of the agency of the Government or territory for which the contract work is done or which is providing financial assistance for the work, or to the Mayor of the District of Columbia in the case of liquidated damages withheld for the use and benefit of the District.

(2) **Review by agency head or mayor.**— The agency head or Mayor may review the administrative determination of liquidated damages. The agency head or Mayor may issue a final order affirming the determination or may recommend to the Secretary of Labor that an appropriate adjustment in liquidated damages be made, or that the contractor or subcontractor be relieved of liability for the liquidated damages, if it is found that the amount is incorrect or that the contractor or subcontractor violated this chapter inadvertently, notwithstanding the exercise of due care by the contractor or subcontractor and the agents of the contractor or subcontractor.

NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

(3) **Review by secretary.**— The Secretary shall review all pertinent facts in the matter and may conduct any investigation the Secretary considers necessary in order to affirm or reject the recommendation. The decision of the Secretary is final.

(4) **Judicial action.**— A contractor or subcontractor aggrieved by a final order for the withholding of liquidated damages may file a claim in the United States Court of Federal Claims within 60 days after the final order. A final order of the agency head, Mayor, or Secretary is conclusive with respect to findings of fact if supported by substantial evidence.

(e) **Applicability of Other Laws.**—

(1) **Reorganization plan.**— Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) applies to this chapter.

(2) **Section 3145.**— Section 3145 of this title applies to contractors and subcontractors referred to in section 3145 who are engaged in the performance of contracts subject to this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1170.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3703(a)	40:330(a) (1st sentence).	Pub. L. 87–581, title I, § 104, Aug. 13, 1962, 76 Stat. 358; Pub. L. 97–164, title I, § 160(a)(13), Apr. 2, 1982, 96 Stat. 48.
3703(b)	40:330(a) (2d, last sentences).	
3703(c)	40:330(b).	
3703(d)	40:330(c).	
3703(e)	40:330(d).	

In subsection (a), the words “or possession” are omitted for consistency in this chapter. The words “or days” are omitted because of 1:1.

In subsection (c), the word “Mayor” is substituted for “Commissioners” [meaning the Board of Commissioners of the District of Columbia] [subsequently changed to “Commissioner” (meaning the Commissioner of the District of Columbia) because of section 401 of Reorganization Plan No. 3 of 1967 (eff. Nov. 3, 1967, 81 Stat. 951)] because of section 421 of the District of Columbia Home Rule Act (Public Law 93–198, 87 Stat. 789).

In subsection (d)(4), the words “United States Court of Federal Claims” are substituted for “United States Claims Court” because of section 902(b)(1) of the Federal Courts Administration Act of 1992 (Public Law 102–572, 106 Stat. 4516).

References in Text

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (e)(1), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS**SUBTITLE II - PUBLIC BUILDINGS AND WORKS****PART A - GENERAL****CHAPTER 37 - CONTRACT WORK HOURS AND SAFETY STANDARDS****§ 3704. Health and safety standards in building trades and construction industry****(a) Condition of Contracts.—**

(1) **In general.**— Each contract in an amount greater than \$100,000 that is entered into under legislation subject to Reorganization Plan Numbered 14 of 1950 (eff. May 24, 1950, 64 Stat. 1267) and is for construction, alteration, and repair, including painting and decorating, must provide that no contractor or subcontractor contracting for any part of the contract work shall require any laborer or mechanic employed in the performance of the contract to work in surroundings or under working conditions that are unsanitary, hazardous, or dangerous to health or safety, as established under construction safety and health standards the Secretary of Labor prescribes by regulation based on proceedings pursuant to section 553 of title 5, provided that the proceedings include a hearing similar in nature to that authorized by section 553 of title 5.

(2) **Consultation.**— In formulating standards under this section, the Secretary shall consult with the Advisory Committee created by subsection (d).

(b) Compliance.—

(1) **Actions to gain compliance.**— The Secretary may make inspections, hold hearings, issue orders, and make decisions based on findings of fact as the Secretary considers necessary to gain compliance with this section and any health and safety standard the Secretary prescribes under subsection (a). For those purposes the Secretary and the United States district courts have the authority and jurisdiction provided by sections 4 and 5 of the Walsh-Healey Act (41 U.S.C. 38, 39).

(2) **Remedy when noncompliance found.**— When the Secretary, after an opportunity for an adjudicatory hearing by the Secretary, establishes noncompliance under this section of any condition of a contract described in—

(A) section 3701 (b)(1)(B)(i) or (ii) of this title, the governmental agency for which the contract work is done may cancel the contract and make other contracts for the completion of the contract work, charging any additional cost to the original contractor; or

(B) section 3701 (b)(1)(B)(iii) of this title, the governmental agency which is providing the financial guarantee, assistance, or insurance for the contract work may withhold the guarantee, assistance, or insurance attributable to the performance of the contract.

(3) **Nonapplicability.**— Section 3703 of this title does not apply to the enforcement of this section.

(c) Repeated Violations.—

(1) **Transmittal of names of repeat violators to comptroller general.**— When the Secretary, after an opportunity for an agency hearing, decides on the record that, by repeated willful or grossly negligent violations of this chapter, a contractor or subcontractor has demonstrated that subsection (b) is not effective to protect the safety and health of the employees of the contractor or subcontractor, the Secretary shall make a finding to that effect and, not sooner than 30 days after giving notice of the finding to all interested persons, shall transmit the name of the contractor or subcontractor to the Comptroller General.

(2) **Ban on awarding contracts.**— The Comptroller General shall distribute each name transmitted under paragraph (1) to all agencies of the Federal Government. Unless the Secretary otherwise recommends, the contractor, subcontractor, or any person in which the contractor or subcontractor has a substantial interest may not be awarded a contract subject to this section until three years have elapsed from the date the name is transmitted to the Comptroller General. The Secretary shall terminate the ban if, before the end of the three-year period, the Secretary,

NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscpint.html>).

after affording interested persons due notice and an opportunity for a hearing, is satisfied that a contractor or subcontractor whose name was transmitted to the Comptroller General will comply responsibly with the requirements of this section. The Comptroller General shall inform all Government agencies after being informed of the Secretary's action.

(3) Judicial review.— A person aggrieved by the Secretary's action under this subsection or subsection (b) may file with the appropriate United States court of appeals a petition for review of the Secretary's action within 60 days after receiving notice of the Secretary's action. The clerk of the court immediately shall send a copy of the petition to the Secretary. The Secretary then shall file with the court the record on which the action is based. The findings of fact by the Secretary, if supported by substantial evidence, are final. The court may enter a decree enforcing, modifying, modifying and enforcing, or setting aside any part of, the order of the Secretary or the appropriate Government agency. The judgment of the court may be reviewed by the Supreme Court as provided in section 1254 of title 28.

(d) Advisory Committee on Construction Safety and Health.—

(1) Establishment.— There is an Advisory Committee on Construction Safety and Health in the Department of Labor.

(2) Composition.— The Committee is composed of nine members appointed by the Secretary, without regard to chapter 33 of title 5, as follows:

(A) Three members shall be individuals representative of contractors to whom this section applies.

(B) Three members shall be individuals representative of employees primarily in the building trades and construction industry engaged in carrying out contracts to which this section applies.

(C) Three members shall be public representatives who shall be selected on the basis of their professional and technical competence and experience in the construction health and safety field.

(3) Chairman.— The Secretary shall appoint one member as Chairman.

(4) Duties.— The Committee shall advise the Secretary—

(A) in formulating construction safety and health standards and other regulations; and

(B) on policy matters arising in carrying out this section.

(5) Experts and consultants.— The Secretary may appoint special advisory and technical experts or consultants as may be necessary to carry out the functions of the Committee.

(6) Compensation and expenses.— Committee members are entitled to receive compensation at rates the Secretary fixes, but not more than \$100 a day, including traveltime, when performing Committee business, and expenses under section 5703 of title 5.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1172; Pub. L. 109–284, § 6(16), (17), Sept. 27, 2006, 120 Stat. 1213.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3704(a)	40:333(a).	Pub. L. 87–581, title I, § 107(a)–(e), as added Pub. L. 91–54, § 1, Aug. 9, 1969, 83 Stat. 96; Pub. L. 103–355, title IV, § 4104(c)(2), Oct. 13, 1994, 108 Stat. 3342.
3704(b)	40:333(b), (c).	
3704(c)	40:333(d).	
3704(d)	40:333(e).	

NB: This unofficial compilation of the U.S. Code is current as of Feb. 1, 2010 (see <http://www.law.cornell.edu/uscode/uscpri.html>).

In subsection (a)(1), the words “in an amount greater than \$100,000” are substituted for “(other than a contract referred to in section 329 (c) of this title)” for clarity.

In subsection (b), the text of 40:333(c) is omitted as unnecessary because the district courts have jurisdiction on all civil actions involving a federal question since the requirement of a threshold amount in controversy was deleted. In paragraph (2)(B), the words “guarantee” and “insurance” are added for consistency in this section and with section 3701(b)(1)(B)(iii) of the revised title.

In subsection (c)(2), the words “The Secretary shall end the ban” are substituted for “he [sic] shall terminate the application of the preceding sentence to such contractor or subcontractor (and to any person in which the contractor or subcontractor has a substantial interest)” for clarity and to eliminate unnecessary words. The word “thereafter” is omitted as unnecessary.

In subsection (c)(3), the words “as provided in section 2112 of title 28”, “make and”, and “upon certiorari or certification” are omitted as unnecessary.

In subsection (d)(2), before clause (A), the words “chapter 33 of title 5” are substituted for “the civil service laws” because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

In subsection (d)(6), the words “expenses under section 5703 of title 5” are substituted for 40:333(e)(3)(words after semicolon) to eliminate unnecessary words.

References in Text

Reorganization Plan Numbered 14 of 1950, referred to in subsec. (a)(1), is Reorg. Plan No. 14 of 1950, eff. May 24, 1950, 15 F.R. 3176, 64 Stat. 1267, which is set out in the Appendix to Title 5, Government Organization and Employees.

Amendments

2006—Subsec. (a)(1). Pub. L. 109–284, § 6(16), inserted “of title 5” after “authorized by section 553”.

Subsec. (a)(2). Pub. L. 109–284, § 6(17), struck out “of this section” after “subsection (d)”.

Termination of Advisory Committees

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS**SUBTITLE II - PUBLIC BUILDINGS AND WORKS****PART A - GENERAL****CHAPTER 37 - CONTRACT WORK HOURS AND SAFETY STANDARDS****§ 3705. Safety programs**

The Secretary of Labor shall—

- (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe working conditions in employment covered by this chapter; and
- (2) collect reports and data and consult with and advise employers as to the best means of preventing injuries.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1174.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3705	40:333(f).	Pub. L. 87–581, title I, § 107(f), as added Pub. L. 91–54, § 1, Aug. 9, 1969, 83 Stat. 98.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS**SUBTITLE II - PUBLIC BUILDINGS AND WORKS****PART A - GENERAL****CHAPTER 37 - CONTRACT WORK HOURS AND SAFETY STANDARDS****§ 3706. Limitations, variations, tolerances, and exemptions**

The Secretary of Labor may provide reasonable limitations to, and may prescribe regulations allowing reasonable variations to, tolerances from, and exemptions from, this chapter that the Secretary may find necessary and proper in the public interest to prevent injustice or undue hardship or to avoid serious impairment of the conduct of Federal Government business.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1174.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3706	40:331.	Pub. L. 87-581, title I, § 105, Aug. 13, 1962, 76 Stat. 359.

TITLE 40 - PUBLIC BUILDINGS, PROPERTY, AND WORKS**SUBTITLE II - PUBLIC BUILDINGS AND WORKS****PART A - GENERAL****CHAPTER 37 - CONTRACT WORK HOURS AND SAFETY STANDARDS****§ 3708. Criminal penalties**

A contractor or subcontractor having a duty to employ, direct, or control a laborer or mechanic employed in the performance of work contemplated by a contract to which this chapter applies that intentionally violates this chapter shall be fined under title 18, imprisoned for not more than six months, or both.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1174.)

Historical and Revision Notes

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
3708	40:332.	Pub. L. 87-581, title I, § 106, Aug. 13, 1962, 76 Stat. 359.

The words “shall be fined under title 18” are substituted for “shall be deemed guilty of a misdemeanor, and for each and every such offense shall, upon conviction, be punished by a fine of not to exceed \$1,000” for consistency with chapter 227 of title 18. The words “in the discretion of the court having jurisdiction thereof” are omitted as unnecessary.