

The background of the entire page is a dynamic, abstract pattern of blue and white wavy lines that create a sense of motion and depth. The lines are curved and flow across the frame, with some areas appearing brighter and more saturated than others, giving it a liquid or fabric-like texture.

# Claims and Lawsuits Filing Deadlines

A Whitepaper by TranSolutions Inc.

# Claims and Lawsuits Filing Deadlines

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For-hire interstate carriers and shippers of freight must be aware of and observe various legal deadlines and time limits governing the filing of loss/damage claims, overcharge/undercharge claims, and lawsuits.

These time limits are listed below, along with where to find them in the Code of Federal Regulations (CFR) or the United States Code (USC).

## 1. Overcharge claims — billing disputes initiated by shippers:

*49 USC 13710 (a)(3)(B):* If a shipper seeks to contest the charges originally billed or additional charges subsequently billed, the shipper may request that the Surface Transportation Board determine whether the charges billed must be paid. A shipper must contest the original bill or subsequent bill within 180 days of receipt of the bill in order to have the right to contest such charges.

### **Acknowledgement:**

*378.7:* Upon receiving a written or electronically transmitted claim, the carrier must acknowledge its receipt in writing or electronically to the claimant within 30 days after the date of receipt, except when the carrier has paid the claim or declined it within that period.

### **Disposition:**

*378.8:* A carrier must pay, decline, or settle each claim within 60 days after its receipt, unless the claimant and the carrier agree to a specific extension. If the carrier declines the claim, or makes a settlement in an amount that differs from the claim request, the carrier must provide notification of the reason for the action.

### **Civil action:**

*49 USC 14705 (b):* A person must begin a civil action to recover overcharges within 18 months after the claim accrues.

## 2. Undercharge claims — billing disputes initiated by carriers:

*49 USC 13710 (a)(3)(A)*: In those cases where a motor carrier (other than a motor carrier providing transportation of household goods or in noncontiguous domestic trade) wants to collect charges in addition to those billed and collected which are contested by the payor, the carrier may request that the Surface Transportation Board determine whether any additional charges over those billed and collected must be paid. A carrier must issue any bill for charges in addition to those originally billed within 180 days of the receipt of the original bill in order to have the right to collect additional charges.

### **Civil action:**

*49 USC 14705 (a)*: A carrier providing transportation or service subject to jurisdiction under chapter 135 must begin a civil action to recover charges for transportation or service provided by the carrier within 18 months after the claim accrues.

## 3. Loss or damage claims — filing period:

*49 USC 14706 (e)*: A carrier may not provide by rule, contract, or otherwise, a period of less than 9 months for filing a claim against it under this section. Damage claims are filed within nine months after delivery of the load. Loss claims must be filed within nine months after a reasonable or expected time for delivery has passed.

### **Acknowledgement:**

*370.5*: A carrier must respond to any claim within 30 days after it is received, unless the carrier has paid or declined the claim within 30 days of receipt.

### **Disposition:**

*370.9 (a)*: When a claim is received for loss, damage, injury or delay of delivery, the carrier must pay the claim, decline the claim, or make a compromise settlement offer in writing within 120 days. If the claim cannot be processed and disposed of within 120 after receipt, the carrier must advise the claimant of the status of the claim during that time period, and at the end of each following 60-day period until final disposition.

**Civil action:**

*49 USC 14706 (e):* A carrier may not provide by rule, contract, or otherwise, a period of less than 2 years for bringing a civil action against it under this section. The period for bringing a civil action is computed from the date the carrier gives a person written notice that the carrier has disallowed any part of the claim specified in the notice.

## Deadline Issues?

MyEZClaim freight claim management software helps you manage deadlines with the following features:

- Reminders and alerts for upcoming deadlines
- Automatic generation of reminder letters for unresponsive carriers
- Field filters to pull claim records by deadline
- Analytic features to identify problem carriers, such as carriers who pay claims late

For additional information or to schedule a demo, visit [www.TranSolutionsInc.com](http://www.TranSolutionsInc.com), or email [sales@TranSolutionsInc.com](mailto:sales@TranSolutionsInc.com).

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