



FIVE DAYS TO NOTIFY

Within the past 30 days the National Motor Freight Classification (NMFC) rules regarding concealed damage notifications have changed. Effective April 18, 2015 the National Motor Freight Traffic Association (NMFTA) has changed the rules affecting the ability to recover concealed damage. In the past concealed damages could be reported within 15 days of shipment receipt. The new ruling limits the number of days to report (not file a claim) to 5 days. The exception to this rule would be instances where the carrier's special rules tariff has alternate requirements.

With respect to concealed damage Item 300135 of the ruling requires:

- (a) When damage to, or loss of, contents of a shipping container is discovered by the consignee that could not have been determined at time of delivery it must be reported by the consignee to the delivering carrier upon discovery.
- (b) Reports must include a request for inspection by the carrier's representative.
- (c) Notice of loss or damage and request for inspection may be given by telephone or in person, but in either event must be confirmed by a written or electronic communication.
- (d) While awaiting inspection by carrier, the consignee must hold the shipping container and its contents in the same condition they were in when damage was discovered, insofar as it is possible to do so.

(e) Unless otherwise specified by the carrier, notice of loss or damage should be provided to the carrier within five (5) business days from the date of delivery.

Concealed damage is defined as damage which you did not notice when you first accepted your shipment or was hidden from your sight. As a best practice, when and wherever possible, you should open and inspect all shipments immediately upon receiving. This will help you to notify your carrier in a timely manner.



You will need to preserve the shipment container and its contents in the manner received. That means do not continue to unpack contents and you will want to keep the shipping containers out of the way to prevent further damage. If practical, you will want to take pictures of the container and contents as evidence of damage. Remember, if the delivery receipt did not note any damage, you must notify the carrier within 5 business days and file the claim as soon as possible to achieve the best outcome. If you do not notify your carrier within 5 days the carrier now has the discretion to not honor your claim.

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