

Part 4
Motor Carrier Liability - Duties

72-9-401 Liability of motor carriers for loss or damage to freight.

- (1)
 - (a) A motor carrier receiving property for transportation from one point in this state to another point in this state shall issue a receipt or bill of lading for the property, and shall be liable to the lawful holder of the property for any loss, damage, or injury to the property caused by the motor carrier, or by any motor carrier to which the property may be delivered or over whose line or lines the property may pass within this state when transported on a through bill of lading.
 - (b) A contract, receipt, rule, regulation, or other limitation of any character whatsoever may not exempt the motor carrier from this liability.
- (2) A motor carrier that receives property for transportation or any motor carrier delivering the property to the consignee shall be liable to the lawful holder of the receipt or bill of lading, or to any party entitled to recover on the property whether the receipt or bill of lading has been issued or not, for the full actual loss, damage or injury to the property caused by the motor carrier, or by any motor carrier to which the property may have been delivered or over whose line or lines the property may have passed within this state when transported on a through bill of lading.
- (3)
 - (a) The provisions of Subsection (2) apply notwithstanding any limitation of liability or of the amount of recovery, or any representation or agreement as to the value of the property in any receipt or bill of lading or in any contract, rule, or regulation.
 - (b) Any limitation of liability is unlawful and void if the provisions respecting liability for full actual loss, damage, or injury notwithstanding any limitation of liability or of recovery, or any representation or agreement or release as to value to property, except livestock, received for transportation concerning which the motor carrier expressly authorizes or requires, by order of the commission, the establishment and maintenance of rates dependent upon the value declared in writing by the shipper or agreed to in writing as the released value of the property.
 - (c) The declaration or agreement shall have no other effect than to limit liability and recovery to an amount not exceeding the value so declared or agreed upon.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-402 Limitation of time for presenting claims and bringing suit.

- (1) A motor carrier shall allow at least:
 - (a) 90 days for giving notice of claims for any loss, damage, or injury to property;
 - (b) four months for the filing of claims; and
 - (c) two years for the institution of suits.
- (2) If the loss or injury complained of is due to delay or damage while being loaded or unloaded, or damage in transit caused by carelessness or negligence, a notice of claim or a filing of claim is not required as a condition precedent to recovery.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-403 Contribution between connecting motor carriers.

- (1) The motor carrier paying for the loss or damage to property transported or received is entitled to recovery from the motor carrier responsible for the loss or damage, or on the motor carrier's line the loss, damage, or injury was sustained.
- (2) The amount of the loss or damage is equal to the amount the motor carrier is required to pay to the persons entitled to the recovery.

Renumbered and Amended by Chapter 270, 1998 General Session

72-9-404 Bills of lading -- Form.

Bills of lading issued by any motor carrier for the transportation of goods within this state shall conform to this chapter, rules made under this chapter, and Title 70A, Chapter 7a, Part 3, Bills of Lading - Special Provisions, that are not in conflict with this chapter.

Amended by Chapter 42, 2006 General Session