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The Carmack Amendment

J. Trucker Barr
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Research Guides

The Carmack Amendment

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Last Updated:	Oct 29, 2010
Guide URL:	http://libguides.law.gsu.edu/carmackamendment
Description:	J. Tucker Barr - Spring 2004 - Transportation Law
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Guide Index

Introduction
The Carmack Amendment
Primary Sources
- Statutes
- Cases
- Regulations

Secondary Sources

Introduction

Constitutional, Statutory, and Regulatory Framework for U.S. Transportation Law

U.S. Constitutional Provisions

Article I

The commerce clause of the U.S. Constitution delegates to Congress the power to regulate matters involving domestic and international commerce and trade. Section 8 of Article I of the Constitution provides:

"The Congress shall have Power To . . . regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes . . . ."

Article II

The powers of the president are also particularly relevant in the realm of international law governing transportation. In particular, the president is given the power to make treaties under Section 2 of Article II of the Constitution:

"He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur . . . ."

Federal Statutes Dealing with Transportation

Relevant Titles of the U.S. Code

Popular Names of Major Congressional Acts and Links to Brief Summaries

It would be impossible, and unnecessary, to list each and every Congressional act touching on transportation law; Congress has acted on innumerable occasions to adopt legislation to match the growing needs of a burgeoning economy and technological advances in transportation.

Regulatory and Administrative Bodies

The popular names given to the major individual acts dealing water, air, rail, and motor transport are listed below. All of these acts have been amended many times and recodified since they were originally passed by Congress, yet the surviving portions of each act are commonly referred to by popular name.

- Harter Act of 1906
- Carriage of Goods by Sea Act
- Warsaw Convention of 1929
- Carmack Amendment of 1906
- Interstate Commerce Act of 1887

Federal Statutes

- Title 15 - Commerce and Trade
- Title 19 - Customs Duties

- Title 23 - Highways
- Title 33 - Navigation and Navigable Waters
- Title 45 - Railroads
- Title 46 - Shipping
- Title 49 - Transportation

The links below set out the relevant titles of the current U.S. Code dealing with transportation matters and commerce generally:

The U.S. Department of Transportation (DOT) is vested with the authority to implement the acts of Congress dealing with transportation. The DOT is comprised of multiple agencies, each specializing in a particular area of transportation. Links to several of these agencies are listed below along with brief descriptions of each agency's responsibilities:

- The Federal Motor Carrier Safety Administration (FMCSA) - established as a separate administration within the U.S. Department of Transportation pursuant to the Motor Carrier Safety Improvement Act of 1999. Among other things, the FMCSA attempts to detect and correct commercial motor vehicle safety defects, commercial vehicle driver deficiencies, and unsafe motor carrier practices before they become contributing factors to crashes and hazardous materials incidents.
- The Federal Railroad Administration (FRA) - created by the Department of Transportation Act of 1966. The purpose of FRA is to: promulgate and enforce rail safety regulations; administer railroad assistance programs; conduct research and development in support of improved railroad safety and national rail transportation policy; provide for the rehabilitation of Northeast Corridor rail passenger service; and consolidate government support of rail transportation activities.
- Maritime Administration (MARAD) - created to strengthen the U.S. maritime transportation system - including infrastructure, industry and labor - to meet the economic and security needs of the Nation. MARAD programs promote the development and maintenance of an adequate, well-balanced United States merchant marine, sufficient to carry the Nation's domestic waterborne commerce and a substantial portion of its waterborne foreign commerce, and capable of service as a naval and military auxiliary in time of war or national emergency.
- Federal Highway Administration (FHWA) - FHWA is charged with the broad responsibility of ensuring that America's roads and highways continue to be the safest and most technologically up-to-date. Although State, local, and tribal governments own most of the Nation's highways, the FWHA provides financial and technical support to them for constructing, improving, and preserving America's highway system.
- Surface Transportation Board (STB) - The Surface Transportation Board (STB) was created in the Interstate Commerce Commission Termination Act of 1995 and is the successor agency to the Interstate Commerce Commission. The STB is an economic regulatory agency that Congress charged with the fundamental missions of resolving railroad rate and service disputes and reviewing proposed railroad mergers.

About the Author

J. Tucker Barr is a third-year law student at the Georgia State University College of Law. This Web resource was created as part of an Advanced Legal Research course taught by Nancy Johnson, law librarian and professor of law.

Disclaimer

Bibliographies on this Web site were prepared for educational purposes by law students as part of Nancy P. Johnson's Advanced Legal Research course. The Law Library does not guarantee the accuracy, completeness, or usefulness of any information provided. Thorough legal research requires a researcher to update materials from date of publication; please note the semester and year the bibliography was prepared.

Back to Top

The Carmack Amendment

Purpose

The Carmack Amendment to the Interstate Commerce Act makes common carriers liable to shippers for the actual loss or damage to shipments in interstate commerce. The purpose of Carmack Amendment is to enable interstate carriers to assess their risks and predict their potential liability for damages, and the carrier's liability is limited to actual loss of injury to the transport of property.

Covered Parties and Jurisdiction of Civil Actions

The Carmack Amendment requires carriers and freight forwarders to issue a receipt or bill of lading for property it receives for transportation. A person entitled to recover under the receipt or bill of lading (i.e., shipper) may recover damages for the actual loss or injury to the property caused by the carrier that issued the receipt or bill of lading, or against any other carrier that delivers the property. More specifically, the shipper may recover from (1) the receiving carrier, (2) the delivering carrier, (3) the freight forwarder or (4) another carrier over whose line or route the property is transported in the United States.

Court Jurisdiction

Civil actions under the Carmack Amendment may be brought in state or federal court.

Shipper's Prima Facie Case

A shipper's prima facie case is established under the Carmack Amendment upon proof by a preponderance of the evidence that (1) the shipper delivered the goods to the carrier in good condition, (2) the goods arrived at the destination in damaged condition, and (3) a specified amount of damages resulted.

Carrier's Defenses

Once a shipper has established a prima facie case, the burden shifts to the carrier to prove (1) that it was free of negligence, and (2) that the damage to the cargo was caused by one of the following five excusable factors: (a) an act of God, (b) an act of the public enemy, (c) an act of the shipper himself, (d) public authority, or (e) the inherent vice or nature of the goods.

History

In 1906, Congress amended the Interstate Commerce Act by passing the Hepburn Act. The portions of the Hepburn Act dealing with interstate carrier liability, commonly known as the Carmack Amendment, were originally codified at 49 U.S.C. § 20(11). The Carmack Amendment was later extended to motor carriers by the Motor Carrier Act of 1935. The Carmack Amendment was recodified in 1978 (49 U.S.C. §§ 10730 and 11707) and again in 1996. The Carmack Amendment is now found at 49 U.S.C. § 14706.

Federal Preemption of State Law Claims

The Carmack Amendment preempts all state and common law claims and provides the sole and exclusive remedy to shippers for loss or damage in interstate transit.

Among the state law and common law causes of action held to be preempted by the Carmack Amendment are: negligence, breach of contract, breach of insurance contract, breach of contract of carriage, conversion, intentional misrepresentation, negligent misrepresentation, negligent infliction of emotional distress, intentional infliction of emotional distress, outrage, fraud, interference with economic advantage, and various state consumer protection laws. However, the law varies by jurisdiction regarding what types of claims are considered preempted.

Minimum Period for Filing Claims

The Carmack Amendment prohibits carriers from providing by rule, contract or otherwise, a period of less than 9 months for filing a claim and a period of less than two years for bringing a civil action. 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.

Limitation of Liability

The maximum recovery available for a shipper under the Carmack Amendment is the actual loss of injury to the transport of property. Thus, A shipper's attorney's fees are generally not recoverable.

The Carmack Amendment allows a carrier to limit its liability. To do so, a carrier must (1) maintain a tariff within the prescribed guidelines of the Interstate Commerce Commission; (2) obtain the shipper's agreement as to his choice of liability; (3) give the shipper a reasonable opportunity to choose between two or more levels of liability; and (4) issue a receipt or bill of lading prior to moving the shipment.

Back to Top

Primary Sources

Related Statutes

The following statutes are either cross-referenced by the Carmack Amendment or are otherwise relevant in the context of motor carrier suits brought pursuant to the Carmack Amendment. Of course, other statutes may be relevant in any particular dispute. To view the U.S. Code, visit Cornell University's Legal Information Institute or visit Lexis or Westlaw.

- 49 U.S.C. § 13702

  This section is cross-referenced in subsection (a)(1) of the Carmack Amendment and sets out the tariff filing requirements for carriers.

- 49 U.S.C. § 13703

  This section is cross-referenced in subsection (c)(1)(C) of the Carmack Amendment and deals with collective agreements made by carriers.

- 49 U.S.C. § 13102(10)(A)

This section is cross-referenced in subsection (c)(1)(A) of the Carmack Amendment and defines the term "household goods."

- 49 U.S.C. § 13710(a)

  This section is cross-referenced in subsection (c)(1)(A) and (c)(1)(B) of the Carmack Amendment and deals with billing and collection procedures of shippers.

- 28 U.S.C. § 1337

  Provides that the federal district courts have original jurisdiction over civil proceedings brought pursuant to the Carmack Amendment, as long as the amount in controversy exceeds $10,000.

- 28 U.S.C. § 1445

  Provides that civil actions brought pursuant to the Carmack Amendment may be removed from state courts only if the amount in controversy exceeds $10,000.

Cases

Below are summaries of cases interpreting various provisions of the Carmack Amendment. Carmack Amendment cases address too many issues to list here; however, the cases that follow in this section are sufficient to convey the major principles necessary to understand the basic workings of the statute and to serve as an entry point for further case research.

Many of these cases may be found simply by typing the case name in an Internet search engine, such as Google. Also, Emory University's Federal Courts Finder will help locate most of the federal cases listed below. For state decisions, visit the Legal Information Institute Web site. Findlaw is another good site.

Regulations

Not surprisingly, there are many regulations dealing with transportation and interstate motor carriers. The bulk of these regulations may be found in titles 46 and 49 of the Code of Federal Regulations (CFR).

The most pertinent regulations relating to the Carmack Amendment are below. These regulations set forth specific procedures for the filing of claims, acknowledgement of claims, investigation of claims, and disposition of claims:

- 49 C.F.R § 1005.2 - Filing of Claims
- 49 C.F.R § 1005.3 - Acknowledgement of Claims
- 49 C.F.R § 1005.4 - Investigation of Claims
- 49 C.F.R § 1005.5 - Disposition of Claims

For a searchable database of federal regulations, visit the U.S. Government Printing Office Web site. Westlaw and Lexis also allow you to search for regulations in numerous ways.

Back to Top

Statutes

Related Statutes

The following statutes are either cross-referenced by the Carmack Amendment or are otherwise relevant in the context of motor carrier suits brought pursuant to the Carmack Amendment. Of course, other statutes may be relevant in any particular dispute. To view the U.S. Code, visit Cornell University's Legal Information Institute or visit Lexis or Westlaw.

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- 28 U.S.C. § 1445

  Provides that civil actions brought pursuant to the Carmack Amendment may be removed from state courts only if the amount in controversy exceeds $10,000.

Full Text of the Carmack Amendment

49 U.S.C. § 14706. Liability of carriers under receipts and bills of lading

(a) General liability.--

(1) Motor carriers and freight forwarders.--A carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 shall issue a receipt or bill of lading for property it receives for transportation under this part. That carrier and any other carrier that delivers the property and is providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 or chapter 105 are liable to the person entitled to recover under the receipt or bill of lading. The liability imposed under this paragraph is for the actual loss or injury to the property caused by (A) the receiving carrier, (B) the delivering carrier, or (C) another carrier over whose line or route the property is transported in the United States or from a place in the United States to a place in an adjacent foreign country when transported under a through bill of lading and, except in the case of a freight forwarder, applies to property reconsigned or diverted under a tariff under section 13702. Failure to issue a receipt or bill of lading does not affect the liability of a carrier. A delivering carrier is deemed to be the carrier performing the line-haul transportation nearest the destination but does not include a carrier providing only a switching service at the destination.

(2) Freight forwarder.--A freight forwarder is both the receiving and delivering carrier. When a freight forwarder provides service and uses a motor carrier providing transportation subject to jurisdiction under subchapter I of chapter 135 to receive property from a consignor, the motor carrier may execute the bill of lading or shipping receipt for the freight forwarder with its consent. With the consent of the freight forwarder, a motor carrier may deliver property for a freight forwarder on the freight forwarder's bill of lading, freight bill, or shipping receipt to the consignee named in it, and receipt for the property may be made on the freight forwarder's delivery receipt.

(b) Apportionment.--

The carrier issuing the receipt or bill of lading under subsection (a) of this section or delivering the property for which the receipt or bill of lading was issued is entitled to recover from the carrier over whose line or route the loss or injury occurred the amount required to be paid to the owners of the property, as evidenced by a receipt, judgment, or transcript, and the amount of its expenses reasonably incurred in defending a civil action brought by that person.

(c) Special rules.--

(1) Motor carriers.--

(A) Shipper waiver.--Subject to the provisions of subparagraph (B), a carrier providing transportation or service subject to jurisdiction under subchapter I or III of chapter 135 may, subject to the provisions of this chapter (including with respect to a motor carrier, the requirements of section 13710(a)), establish rates for the transportation of property (other than household goods described in section 13102(10)(A)) under which the liability of the carrier for such property is limited to a value established by written or electronic

declaration of the shipper or by written agreement between the carrier and shipper if that value would be reasonable under the circumstances surrounding the transportation.

(B) Carrier notification.--If the motor carrier is not required to file its tariff with the Board, it shall provide under section 13710(a)(1) to the shipper, on request of the shipper, a written or electronic copy of the rate, classification, rules, and practices upon which any rate applicable to a shipment, or agreed to between the shipper and the carrier, is based. The copy provided by the carrier shall clearly state the dates of applicability of the rate, classification, rules, or practices.

(C) Prohibition against collective establishment.--No discussion, consideration, or approval as to rules to limit liability under this subsection may be undertaken by carriers acting under an agreement approved pursuant to section 13703.

(2) Water carriers.--If loss or injury to property occurs while it is in the custody of a water carrier, the liability of that carrier is determined by its bill of lading and the law applicable to water transportation. The liability of the initial or delivering carrier is the same as the liability of the water carrier.

(d) Civil actions.--

(1) Against delivering carrier.--A civil action under this section may be brought against a delivering carrier in a district court of the United States or in a State court. Trial, if the action is brought in a district court of the United States is in a judicial district, and if in a State court, is in a State through which the defendant carrier operates.

(2) Against carrier responsible for loss.--A civil action under this section may be brought against the carrier alleged to have caused the loss or damage, in the judicial district in which such loss or damage is alleged to have occurred.

(3) Jurisdiction of courts.--A civil action under this section may be brought in a United States district court or in a State court.

(4) Judicial district defined.--In this section, "judicial district" means--

(A) in the case of a United States district court, a judicial district of the United States; and

(B) in the case of a State court, the applicable geographic area over which such court exercises jurisdiction.

(e) Minimum period for filing claims.--

(1) In general.--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 and 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.

(2) Special rules.--For the purposes of this subsection--

(A) an offer of compromise shall not constitute a disallowance of any part of the claim unless the carrier, in writing, informs the claimant that such part of the claim is disallowed and provides reasons for such disallowance; and

(B) communications received from a carrier's insurer shall not constitute a disallowance of any part of the claim unless the insurer, in writing, informs the claimant that such part of the claim is disallowed, provides reason for such disallowance, and informs the claimant that the insurer is acting on behalf of the carrier.

(f) Limiting liability of household goods carriers to declared value.

--A carrier or group of carriers subject to jurisdiction under subchapter I or III of chapter 135 may petition the Board to modify, eliminate, or establish rates for the transportation of household goods under which the liability of the carrier for that property is limited to a value established by written declaration of the shipper or by a written agreement.

(g) Modifications and reforms.--

(1) Study.--The Secretary shall conduct a study to determine whether any modifications or reforms should be made to the loss and damage provisions of this section, including those related to limitation of liability by carriers.

(2) Factors to consider.--In conducting the study, the Secretary, at a minimum, shall consider--

(A) the efficient delivery of transportation services;

(B) international and intermodal harmony;

(C) the public interest; and

(D) the interest of carriers and shippers.

(3) Report.--Not later than 12 months after January 1, 1996, the Secretary shall submit to Congress a report on the results of the study, together with any recommendations of the Secretary (including legislative recommendations) for implementing modifications or reforms identified by the Secretary as being appropriate.

Back to Top

Cases

Overview

Below are summaries of cases interpreting various provisions of the Carmack Amendment. Carmack Amendment cases address too many issues to list here; however, the cases that follow in this section are sufficient to convey the major principles necessary to understand the basic workings of the statute and to serve as an entry point for further case research.

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U.S. Court of Appeals

- A.I.G. Uruguay Compania de Seguros v. AAA Cooper Transportation, 334 F.3d 997 (11th Cir. 2003)

  Holding that a shipper's prima facie case is established under the Carmack Amendment upon proof by a preponderance of the evidence that (1) the shipper delivered the goods to the carrier in good condition, (2) the goods arrived at the destination in damaged condition, and (3) a specified amount of damages resulted.

- Sassy Doll Creations, Inc. v. Watkins Motor Lines, Inc., 331 F.3d 834 (11th Cir. 2003)

  To effectively limit its liability, a carrier must (1) maintain a tariff within the prescribed guidelines of the Surface Transportation Board; (2) obtain the shipper's agreement as to his choice of liability; (3) give the shipper a reasonable opportunity to choose between two or more levels of liability; and (4) issue a receipt or bill of lading prior to moving the shipment.

- Jessica Howard Ltd. v. Norfolk Southern R.R. Co., 316 F.3d 165 (2nd Cir. 2003)

  Holding that a shipper's attorney's fees are generally not recoverable.

- Rini v. United Van Lines, 104 F.3d 502 (1st Cir. 1997)

  Holding that liability arising from separate harms--apart from the loss or damage of goods-- is not preempted. For example, if an employee of the carrier assaulted and injured the shipper, state law remedies would not be preempted.

- Moffit v. Bekins Van Lines, Inc., 6 F.3d 305 (5th Cir. 1993)

Holding that the Carmack Amendment preempts all state law claims, including ones for intentional infliction of emotional distress and negligent infliction of emotional distress.

- Fine Foliage of Florida, Inc. v. Bowman Transp., Inc., 901 F.2d 1034 (11th Cir. 1990)

  Holding that a judge may rely on circumstantial evidence of to establish original condition of goods when that evidence is substantial and reliable.

U.S. Supreme Court

- Missouri Pac. R. Co. v. Elmore and Stahl, 377 U.S. 134 (1964)

  Holding that a carrier could avoid liability under the Carmack Amendment only upon a showing that the goods were damaged or destroyed due to (a) the act of God; (b) the public enemy; (c) the act of the shipper himself; (d) public authority; (e) or the inherent vice or nature of the goods.

- Reider v. Thompson, 339 U.S. 936 (1950)

  Stating that the purpose of the Carmack Amendment was to relieve shippers of the burden of searching out a particular negligent carrier from among the often numerous carriers handling an interstate shipment of goods.

- Adams Express Co. v. Croninger, 226 U.S. 491 (1913).

  Holding that the Carmack Amendment preempts all state and common law claims and provides the sole and exclusive remedy to shippers for loss or damage in interstate transit.

U.S. District Court

- Chubb Group Ins. Companies v. H.A. Transp. Sys., Inc., 243 F.Supp.2d 1064 (S.D. Cal. 2002)

  Holding that the Carmack Amendment applies to the inland leg of an overseas shipment even if that leg is fully intrastate.

- Johnson v. Bekins Van Lines Co., 808 F.Supp. 545 (E.D. Tex. 1992)

  Holding that any limitation on a carrier's liability must be brought to the attention of shipper before contract is signed, and shipper must be given choice to contract for limitation of liability in movement of his goods.

- Eastman Kodak Co. v. Westway Motor Freight, 751 F.Supp. 1481 (D. Colo. 1990)

  Holding that the proper measure of damages, in action under Carmack Amendment against carrier for destruction of goods in transit, was market value of goods at place of destination, minus expenses saved by loss and salvage, plus interest; plaintiff was entitled to damages for its lost profits, notwithstanding that it was quickly able to replace lost merchandise.

State Court Cases

- Converting Systems, Inc. v. Hot-Line Freight System, Inc., 801 N.E.2d 155 (Ill. Ct. App. 2003)

  Carrier's purported limitation of liability under Carmack Amendment to Interstate Commerce Act was not enforceable absent a written agreement concerning limitation of liability or actual notice of such limitation

- Edwards Bros., Inc. v. Overdrive Logistics, Inc., 581 S.E.2d 570, 571-72 (Ga. Ct. App. 2003)

  Holding that the shipper may recover from (1) the receiving carrier, (2) the delivering carrier, or (3) another carrier over whose line or route the property is transported in the United States.

Back to Top

Regulations

Overview

Not surprisingly, there are many regulations dealing with transportation and interstate motor carriers. The bulk of these regulations may be found in titles 46 and 49 of the Code of Federal Regulations (CFR).

The most pertinent regulations relating to the Carmack Amendment are below. These regulations set forth specific procedures for the filing of claims, acknowledgement of claims, investigation of claims, and disposition of claims:

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- 49 C.F.R § 1005.3 - Acknowledgement of Claims
- 49 C.F.R § 1005.4 - Investigation of Claims
- 49 C.F.R § 1005.5 - Disposition of Claims

For a searchable database of federal regulations, visit the U.S. Government Printing Office Web site. Westlaw and Lexis also allow you to search for regulations in numerous ways.

Law Review and Journal Articles

Law review and journal articles are available through Westlaw and Lexis for a fee. These articles are also available for free at Findlaw for Students, University Law Review Project, and HeinOnline.

Frequently, law review and journal articles serve a great means to get started with your research. Below are some samples of helpful articles with brief summaries:

- George W. Wright, *Slouching Toward a Morass: The Case for Complete Carmack Preemption*, 1 DePaul Bus. & Com. L. J. 177 (Winter 2003).

  This article presents an argument for retaining the preemptive power given to the Carmack Amendment and further argues that proposed legislation "would undermine the ICA's time-tested policies and uniform federal remedies."

- Paul Stephen Dempsey, ***The Law of Intermodal Transportation: What it Was, What it Is, and What it Should Be***, 27 Transp. L. J. 367 (Summer 2000).

  This article traces the evolution of U.S. transportation law and argues for a more unified and coordinated system of regulation.

- Stephen G. Wood, *Multimodal Transportation: An American Perspective on Carrier Liability and Bill of Lading Issues*, 46 Am. J. of Comp. L. 403 (1998).

  This article provides a simple, yet thorough overview of carrier liability and the particular bodies of law that govern transportation by air, land, rail, and sea.

- Jeanne Kaiser, *Moving Violations: An Examination of the Broad Preemptive Effect of the Carmack Amendment*, 20 W. N. Eng. L. Rev. 289 (1998).

  This article discusses the Carmack Amendment in the context of moving companies and how the amendment's preemptive effect has given them "carte blanche to deceive and mistreat consumers without consequence."

Online Articles

- "Carmack Amendment Liability" - from www.transportmarketing.com
- "The Carmack Amendment: A Uniform System Of Liability For Interstate Transportation Carriers" - from www.findlaw.com
- "Primer on Freight Loss and Damage Claims" - from www.networkfob.com
- "Comments on Carrier Liability Under U.S. Law" - from www.forwarderlaw.com
- "Bill of Lading Language Affecting Motor Carrier Liability (And Related Issues)" - from www.lgllp.com
- "Actual Knowledge of Tariff Required to Limit Trucking Company's Liability" - from www.felahfd.com

Legal and Non-Legal Web Sites

- Findlaw.com
- Hieros Gamos
- Megalaw.com
- House Committee on Transportation and Infrastructure
- Senate Committee on Science, Commerce, and Transportation
- ABAnet.org
- Transportation Lawyers Association
- National Motor Freight Traffic Association, Inc.

Books and Treatises

The following books are excellent resources. Check the GSU Law Library Catalog for availability:

- William J. Augello, Transportation, Logistics and the Law (George Carl Pezold ed. 2001)

- Rui M. Fernandes, Transportation Law (Carswell Legal Pub. 2000)
- John Guandolo, Transportation Law (W.C. Brown Co. 1973)

ALRs

ALRs are available on Westlaw and Lexis. Here are a few:

- Ann K. Wooster, Annotation, *Preemption of State Law Under Carmack Amendment to Interstate Commerce Act*, 49 U.S.C.A. sec. 14706, and Predecessor Statutes--Food, Beverage, or Livestock Shipments, 193 A.L.R. Fed. 585 (2004).
- B. Yongbae Davies, Annotation, *Allowance of Attorneys' Fees in Shipper's Action Against Carrier for Loss of, or Damage to, Interstate Shipment*, 37 A.L.R.3d 1125 (1971).
- Howard J. Alperin, Annotation, *Liability of carrier for delivering goods sent C.O.D. without receiving cash payment*, 27 A.L.R.3d 1320 (1969).

Back to Top

Secondary Sources

Computerized Research

Lexis and Westlaw

Lexis and Westlaw are incredibly useful, but tend to be costly. If you happen to have access to one of these Web databases, the following search terms and phrases will be helpful:

"Carmack Amendment" AND ...

lost profits	an act of the shipper	receiving or delivering carrier
period for filing claims	act of the public enemy	good condition
inherent vice or nature of the goods	act of god	standard of proof
sealed or unsealed containers	bill of lading	prima facie case
preemption	limitation of liability	attorney's fees
defenses	damages	surface transportation board

Back to Top

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