Federal Motor Carrier Safety Administration, DOT § 375.403

§ 375.403 How must I provide a binding estimate?

(a) You may provide a guaranteed binding estimate of the total shipment charges to the individual shipper, so long as it is provided for in your tariff. The individual shipper must pay the amount for the services included in your estimate. You must comply with the following 11 requirements:

1. You must base the binding estimate on the physical survey unless one of the exceptions provided in §375.401(a)(1) and (2) applies.

2. You must provide the binding estimate in writing to the individual shipper or other person responsible for payment of the freight charges.

3. You must retain a copy of each binding estimate as an attachment to be made an integral part of the bill of lading contract.

4. If it appears an individual shipper has tendered additional household goods or requires additional services not identified in the binding estimate, you are not required to honor the estimate. Each binding estimate must also clearly indicate on its face that the charges shown apply only to those services specifically identified in the estimate.

5. You must clearly describe binding-estimate shipments and all services you are providing.

6. If it appears an individual shipper has tendered additional household goods or requires additional services not identified in the binding estimate, you are not required to honor the estimate. If an agreement cannot be reached as to the price or service requirements for the additional goods or services, you are not required to service the shipment. However, if you do service the shipment, before loading the shipment you must do one of the following three things:

- Reaffirm your binding estimate.
- Negotiate a revised written binding estimate listing the additional household goods or services.
- Agree with the individual shipper, in writing, that both of you will consider the original binding estimate.
§ 375.405 How must I provide a non-binding estimate?

(a) If you do not provide a binding estimate to an individual shipper in accordance with §375.403, you must provide a non-binding written estimate to the individual shipper.

(b) You must provide your reasonably accurate estimate of the approximate costs the individual shipper what the additional services are before performing those services. You must allow the shipper at least one hour to determine whether he or she wants the additional services performed. If the individual shipper agrees to pay for the additional services, you must execute a written attachment to be made an integral part of the bill of lading contract and have the individual shipper sign the written attachment. This may be done through fax transmissions; e-mail; overnight courier; or certified mail, return receipt requested. You must bill the individual shipper for the additional services after 30 days from delivery. If the individual shipper does not agree to pay the additional services, the carrier should perform only those additional services as are required to complete the delivery, and bill the individual shipper for the additional services after 30 days from delivery, except that you may not demand upon delivery full payment of the binding estimate. You may demand only a prorated percentage of the binding estimate. The prorated percentage must be the percentage of the weight of that portion of the shipment delivered relative to the total weight of the shipment. For example, if you deliver only 2,500 pounds of a shipment weighing 5,000 pounds, you may demand payment at destination for only 50 percent of the binding estimate.

(c) You must retain a copy of the binding estimate for each move you perform for at least one year from the date you made the estimate and keep it as an attachment to be made an integral part of the bill of lading contract.