

# TRANSPORT FINANCIAL SERVICES, LLC

1517 West Garden Street, Pensacola, FL 32501

Ph: (850)433-2294 FAX (850)438-1414

## TFS BROKER CLAIMS PROCEDURE

1. Carriers with a claim for unpaid or past due freight bills:
  - (a) First Contact TFS for a claim form via e-mail at [transportfinanc001@yahoo.com](mailto:transportfinanc001@yahoo.com) or by phone at (850) 433-2294.
  - (b) Complete claim forms.
2. Claim forms must be certified as true and correct to the best of the claimant's knowledge. Claims should provide the following documents:
  - (a) Bill of Lading;
  - (b) Bona fide Contract of carriage;
  - (c) Freight Bill;
  - (d) Signed Rate Agreement
3. Mail the original, signed form to: Transport Financial Services, LLC  
Attn: Claims Dept.  
1517 West Garden Street  
Pensacola, FL 32501  
Keep a copy for your records.
4. The claims manager will contact the broker against whom the claim is filed and make a determination as to the validity of the claim and the disposition of said claim.
5. All claims must contain all relevant documents required in order to make a lawful determination as to the validity of the claim.
6. An attempt will be made to settle claims before the broker Trust BMC 85 is revoked.
7. When a BMC 85 is revoked, the statute of limitations allows five (5) years for a carrier to file against a BMC 85.

Claims Department  
Transport Financial Services, LLC

**STANDARD FORM FOR PRESENTATION OF FREIGHT BILL CLAIMS**

TFS CLAIM NO.(For TFS use only):
<b>CLAIMANT INFORMATION</b>
Name of Claimant:
Claimant's MC No.:
Claimant's Mailing Address:
Claimant Phone Number:
Claimant Email Address:
<b>BROKER INFORMATION</b>
Name of Broker:
Broker's MC No.:
Broker's Mailing Address:
Broker's Phone Number:
<b>STATEMENT OF CLAIM</b>
This Claim for the amount of \$_____ is made against the above named Broker by the above named Claimant for payment of freight charges in connection with the following shipment(s) ( <i>if more than one shipment, attach piece of paper with the following information for each shipment</i> );
Description of shipment:_____
Name and address of consignor (shipper): _____
_____
Shipped from: _____ Shipped to:_____
(City or Town) (City or Town)
Final Destination (City or Town):_____
Bill of Lading issued by:_____
Date of Bill of Lading:_____
Name and Address of consignee (shipper):_____
_____
<b>DETAILED STATEMENT SHOWING HOW AMOUNT OF CLAIM IS DETERMINED</b> (Include number and description of commodities shipped)
THE FOLLOWING DOCUMENTS MUST ALSO BE SUBMITTED IN SUPPORT OF THIS CLAIM:
( ) 1. Original Bill of Lading;
( ) 2. Original Rate Confirmation or Agreement;
( ) 3. Copy of Freight Bill presented to Broker;
( ) 4. Copy of Contract between Broker and Carrier.
The foregoing statements of fact are hereby certified to as correct.
_____ (Signature of Claimant)

**CLAIM FORM INSTRUCTIONS**

## TO CLAIMANTS

Persons presenting claims to trustee will expedite settlement by furnishing a complete and detailed statement of all pertinent facts tending to establish the validity of their claims. It is the responsibility of the trustee to investigate and settle all valid claims, and the co-operation of the claimant is therefore solicited. Delayed settlement of claims is frequently due to the failure of the claimant to furnish the necessary information and documents to enable the investigation of said claim to proceed and establish liability promptly. It should be borne in mind that under the terms of the Federal Motor Carrier Safety Administration (as incorporated in the BMC 85) trustees are to thoroughly investigate each claim before payment. Claims should, therefore, in every case furnish trustee, as far as is possible, with the information and documents called for on page two of this form.

Claimants should read carefully the information appearing below.

### **Important Information to Claimants Respecting Payment of Claims**

Before presenting a Freight Bill Claim, the following important information respecting claims should be given careful consideration.

1. The terms under which property is accepted and arranged for and transported are stated on the bill of lading issued by the shipper and is governed by the terms and conditions of Broker/Carrier contract and by the provisions of the Broker issued "Rate Agreements" as to payment terms and other conditions.
2. Brokers, carriers and their agents are bound by the provision of law, and any deviation therefrom by the payment of claims before the facts and measure of legal liability are established will render them, as well the claimant, liable under the law.
3. Provisions of "Public Law 104-88, Dec. 29, 1995, U.S.C. Section 13102.(2) Definitions:

"BROKER.—The term "Broker" means a person, other than a motor carrier, or an employee or agent of a motor carrier, that as a principal or agent sell, offers for sale, negotiates for, or hold itself out by solicitation, advertisement or otherwise as selling, providing or arranging for, transportation by a motor carrier for compensation." Therefore, any claim that involves any arranging of transportation between two or more brokers (Double brokered loads) will be denied.

4. Exempt Transportation under Public Law 104-88, Dec 29, 1995, 49 U.S.C. Section 13506.
  - (a) In general, -- Neither the Secretary nor the Board has jurisdiction under this part over—
  - (b) transportation by motor vehicle of—
    - (A) Ordinary livestock;
    - (B) agricultural or horticultural commodities and products (other than manufactured products thereof); or
    - (C) commodities listed in (D) through the end of section 13506.  
*(This transportation is of property not subject to the Jurisdiction of the FMCSA)*

Sec. 13504. Exempt motor carrier transportation entirely in one State.

5. Title 49, Department of Transportation, Part 371.7 Misrepresentation.
  - (a) A broker shall not perform or offer to perform any brokerage service (including advertising) in any other than that in which its registration is issued.
  - (b) A broker shall not, directly or indirectly, represent its operation to be that of a carrier. Any advertising shall show the status of the operation.
6. Claims are to be filed by the delivering carrier, not by third party agencies or factoring companies. According to the provisions of the Property Broker's Trust Fund Agreement under 49 U.S.C.13906, "Paragraph 1 of the Agreement, Trustee agrees that payments made pursuant to this agreement will be exclusively and directly to shippers or motor carriers that are parties to contracts, agreements or arrangements with the Trustor."