

WAC 480-30-476 Baggage liability and claims for loss or damage.

(1) **Baggage liability.** An auto transportation company must include provisions in its filed tariff relating to its liability for loss or damage to baggage checked by the passenger.

(a) The minimum amount of liability must be:

(i) At least two hundred fifty dollars per adult fare; and

(ii) At least one hundred dollars per child's fare.

(b) The company's tariff must also contain provisions allowing passengers to declare a value in excess of two hundred fifty dollars, by paying an additional charge, and must allow the passenger to recover the increased amount. The passenger's declared amount may not exceed the actual value of the baggage and its contents.

(c) Company tariff provisions may limit the maximum value for which the company will be liable. This maximum value may not be less than one thousand dollars per bag or item checked.

(d) Companies do not have to offer excess value coverage on articles of extraordinary value including, but not limited to:

(i) Negotiable instruments;

(ii) Papers;

(iii) Money;

(iv) Manuscripts;

(v) Irreplaceable publications;

(vi) Documents;

(vii) Jewelry and watches.

(2) **Delivery of checked baggage.** The company must make all checked baggage available to the passenger within a reasonable time of arrival at destination. If not, the company will deliver the baggage to the passenger's local address at the company's expense.

(3) **Claims.** Auto transportation companies must make claim forms available to their passengers upon request at each of the company's offices, passenger facilities, and from the driver of each vehicle operated. The forms must be prepared in duplicate. The company will retain one copy. The second copy will be given to the passenger filing the claim.

(a) Checked baggage that the company cannot locate within one hour of arrival at destination will be designated as lost. The company must notify the passenger at that time and furnish the passenger with a claim form.

(b) The company must give a claim form to any passenger declaring lost or damaged baggage.

(c) The company must resolve claims for baggage loss or damage within sixty days of receipt with a firm offer of settlement or with a written explanation of denial of the claim.

(4) **Loss or damage to carry-on items.** The company shall not be held responsible for loss or damage to baggage carried onboard the vehicle unless it can be shown that the company was in some way negligent. Each company shall have a written policy detailing the manner in which items, articles, or baggage left onboard a company's vehicles will be handled and the way in which the company will make efforts to return the articles to their rightful owners.

[Statutory Authority: RCW 80.01.040, 81.04.160, 81.12.050, 81.68.030, and 81.70.270. WSR 06-13-006 (General Order No. R-533, Docket No. TC-020497), § 480-30-476, filed 6/8/06, effective 7/9/06.]