

Claim Procedures

If there is a claim for damage to an export shipment that was delivered in Mexico, the exporter will have to work with the customer to ensure that the claim is properly documented. If the shipment was CIP Mexican border, this will be done by a transportation professional at the border.

The person receiving the goods must take the following actions:

- examine shipments as soon as they arrive before signing clean delivery receipt;
- check container seal numbers and make sure they match documents;
- keep a copy of the delivery receipt;
- make goods available to the surveyor;
- notify carrier(s) and other involved parties; and
- locate all related documents and hold for insurance company.

Once notified of the claim, the shipper should ask the insurance underwriter for instructions.

Claim Limits

Transportation insurance policies include time limits for filing claims. There are separate limits for filing a claim and taking legal action.

Time Limits on Claims			
Mode	Convention/Law	Notice of Claim	Suit Time
Ocean	Carriage of goods by Water Act	3 days	1 year
Air	Carriage of goods by Air Act	7 days	2 years (Hague-Visby Rules)
Rail	* COTIF/CIM, Article 57, 58	7 days	1 year
Rail	Railway Traffic Liability Regulation	4 months	n/a
Road	** CMR, Article 30, 32	7 days	1 year
Road	Trucking Transportation Act (Ontario)	60 days	9 months
All	Quebec Civil Code	not set	3 years
All	CIFFA STC	45 days	9 months
All	Multimodal UNCTAD/ICC	6 days	9 months
All	Multimodal Transport B/L	Upon delivery	9 months
* In case of willful acts: two years.			
** In case of willful acts of negligence, the time limit is three years.			