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**FMC Docket No. 22-04**  
**Comments on Demurrage and Detention Billing Requirements**  
**Advanced Notice Proposed Rulemaking**  
***COMMENTS MUST BE SUBMITTED BY APRIL 16, 2022***

**A. Scope.**

1. Should the Commission include both VOCCs and NVOCCs in a proposed regulation on demurrage and detention billing? yes
2. Should the Commission include MTOs in a proposed demurrage billing regulation? yes
3. Should a proposed demurrage billing regulation distinguish between the demurrage MTOs charge to shippers and the demurrage MTOs charge to VOCCs? That is, should the Commission regulate the format in which MTOs bill VOCCs? Yes drayage truckers are not party to BCO contracts.
4. What percentage of demurrage and detention bills contain inaccurate information, and which information is most often disputed? There is no mechanism to dispute invoices you just have to pay them .
5. How much does the type of information included on or with demurrage and detention billings vary among common carriers, among marine terminal operators, and between VOCCs and NVOCCs? Not sure . Having standard billing practices is importan

**B. Minimum billing information**

6. What type of information should be required on billings? [CLICK THE CHECK BOX NEXT TO EACH OPTION BELOW TO INDICATE THE TYPE OF INFO YOU WISH TO SEE INCLUDED]

Should the Commission require certain essential information included on invoices such as:

- a. Bill of lading number
- b. Container number
- c. Billing date
- d. Payment due date
- e. Start/end of free time
- f. Start/end of demurrage/detention/per diem clock
- g. Demurrage/detention/per diem rate schedule
- h. Location of the notice of the charge (i.e., tariff, service contract # & section or MTO schedule)
- i. For import shipments:
  - i. Vessel arrival date
  - ii. Container availability date
- j. For export shipments:
  - i. Earliest return date, including identifying any modifications to the earliest return date

k. Any intervening clock-stopping events, for example:

- i. Unavailability of container
- ii. Unavailability of pickup or return locations
- iii. Unavailability of appointments (where applicable)
- iv. Restrictions on chassis accepted v. Force majeure-related events

l. Please note if any portion of the charge is a pass-through of charges levied by the MTO or Port.

**Drayage carriers have no choice but to pass the charges on to their customeres**

### **C. Billing practices.**

7. What information or timeframes should be required for VOCC and NVOCC demurrage and detention bills? Should the Commission require different types of information or timeframes? Should be the same standard of information.

8. Do common carriers invoice multiple parties for demurrage and/or detention charges? No If multiple parties are invoiced for charges, should the billing party be required to identify all such parties receiving an invoice for the charges at issue? There should be a common standard of information and timeframes

9. Should the billing party be required to identify the basis of why the invoiced party is the proper party in interest and therefore liable for the charges? (i.e., as shipper, consignee, beneficial cargo owner, motor carrier or an agent, or as a party acting on behalf of another party pursuant to the common carrier's merchant clause in its bill of lading.) Yes

10. Should the Commission, for purposes of clarity and visibility of charges, require MTOs to bill demurrage directly to shippers (rather than billing VOCCs who then bill shippers for demurrage)? Yes should be sent to BCO In that scenario, MTOs would bill shippers directly for demurrage, and carriers would continue to bill detention to shippers. If MTO invoice shippers , carriers would not have to bill anyone

11. How long from the point of accrual of a demurrage or detention charge does it typically take to receive a demurrage or detention invoice or billing? Demurrage bills are presented when paid. Detention charges take a long period to receive the invoices from VOCC Should be 30 days

12. Should the Commission require demurrage and detention invoices to be issued within 60 days of date when the detention/demurrage/per diem stops accruing? Yes

13. Should the Commission require specific information be included on the invoice regarding how to dispute a charge? If so, what information should be required? For example, should the Commission require invoices to include contact information for disputing charges, identify circumstances for when a charge may be waived, or identify the billing parties' evidentiary requirements sufficient to support a waiver of the charges? Yes disputes should be well documented

14. How long from the point of dismissal of a charge does it typically take to receive a refund? Takes months Should the Commission require that refunds of demurrage or detention bills be issued within a certain time period and what should that timeframe be? Yes 30 days

15. How would a regulation on demurrage and detention billing requirements impact, conflict with, or preempt any other applicable laws, regulations, or arrangements (such as the UIIA)? Not sure

16. Please provide any other views or data you believe would help inform the Commission's decision whether to pursue a proposed regulation on demurrage and detention billing information and practices. If Shipper are invoiced it would reduce the conflicts between carriers and shippers. If the carrier is at fault,shippers would invoice carriers for payments which is the best way to handle detention invoices

Please submit your comments directly to the FMC via email, sent to [secretary@fmc.gov](mailto:secretary@fmc.gov). Include in the subject line: **“Docket No. 22–04, Comments on Demurrage and Detention Billing Requirements ANPRM.”** Comments should be attached to the email as a Microsoft Word or text-searchable PDF document. Only non-confidential and public versions of confidential comments should be submitted by email.

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*This form was created by the Association of Bi-State Motor Carriers to facilitate comment submissions. Respondents are instructed to fill in the information as accurately as possible, and submit responses directly to the FMC. Be advised advised that all comments submitted via email are non-confidential and will be made public.*