

**PUBLICATION UPDATE**

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# Goods in Transit

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Publication 628    Release 58

June 2008

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## HIGHLIGHTS

### Highlights from this release:

- **Chapter 1, *Description of Industry***, discusses effect of statutes and treaties, and controlling law.
- **Chapter 5, *Carrier Litigation***, contains analysis of act of war, shipper's liability to a carrier, how to make *prima facie* case, and the evidentiary burden.
- **Chapter 13, *Limitation of Damages and Liability***, contains new examination of limitation of damages and liability.
- **Chapter 44, *Liability Insurance Financial Responsibility Laws***, discusses statutory financial security requirements and federal motor carrier financial responsibility requirements.
- **Chapter 48, *Who Pays — Extent and Transfer of Risk***, looks at insurance clauses, reinsurance, insurer insolvency; and the benefit of insurance clauses in bills of lading.
- **Volume 7, *Appendix of Forms***, has been updated to include new forms.
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### Significant chapter revisions include:

**Chapter 1, *Description of Industry*:** Chapter 1 has been updated to include new discussion regarding modes of transportation, effect of statutes and treaties, as well as controlling law (§§ 1.01, 1.04, 1.23, 1.26, ).

**Chapter 3, *Connecting Carriage, Geographic Scope and Multimodal Transportation*:** Chapter 3 contains updated information on the geographic scope of COGSA and the Warsaw and Montreal Conventions; single through bills of lading on international multimodal shipments (§§ 3.06, 3.09, 3.15).

**Chapter 5, *Carrier Litigation*:** Chapter 5 has revised examination of the public enemy, the liability of a shipper to a carrier for damages, actions against carriers of good by water and by sea, proof of a *prima facie* case and shifting of evidentiary burden, transportation of goods by air carrier, liability of domestic airline, and action against international airline (§§ 5.08, 5.11, 5.13, 5.14, 5.22, 5.24, 5.26).

**Chapter 9, *Jurisdiction and Venue*:** Chapter 9 contains revised analysis of ju-

risdiction in general; jurisdiction obtained by attachment; *forum non conveniens*; alternative dispute resolution; and forum selection clauses in bills of lading (§§ 9.00, 9.01, 9.01A, 9.02, 9.09).

**Chapter 11, Damages:** Chapter 11 contains updated examination of recoverability of other items of damage and punitive damages (§§ 11.07, 11.10).

**Chapter 13, Limitation of Damages and Liability:** Chapter 13 has updated discussion of the limitation of damages and liability; conditions for effectiveness of released value and limited liability under the Carmack Amendment; conversion by carrier; deviation; and limitation of liability of carriers of goods by water and by sea (§§ 13.00, 13.04, 13.12, 13.13, 13.16).

**Chapter 14, Indemnity, Contribution, Third Parties, and Actions Against Non-carriers:** Chapter 14 contains updated analysis of when an indemnity action accrues, stevedores, and the benefit of carrier's bill of lading—Himalaya Clauses (§§ 14.06, 14.14, 14.15).

**Chapter 22, Freight Charge Liability:** Chapter 22 has revised discussion of the liability of consignee for freight charges; effect of agreement, bill of lading and tariff; and liability for payment of freight (§§ 22.03, 22.04, 22.05).

**Chapter 44, Liability Insurance Financial Responsibility Laws:** Chapter 44 has been updated with revised discussion on statutory financial security requirements and federal motor carrier financial responsibility requirements concerning cargo for the benefit of shippers and consignees (§§ 44.04, 44.06).

**Chapter 48, Who Pays — Extent and Transfer of Risk:** Chapter 48 has been updated with revised analysis of “other” insurance clauses; reinsurance; insurer in-

solvency; and the benefit of insurance clauses in bills of lading and their effect upon policy (§§ 48.07, 48.08, 48.09, 48.10).

**Chapter 49, Rights and Duties of Parties to an Insurance Contract:** Chapter 49 provides updated discussion of the right of subrogation; right of insurer to reimbursement from insured for payments not required by the policy or for payments to the insured in error; duty of good faith; and the duty of a liability insurer to defend an action against its insured (§§ 49.02, 49.03, 49.04, 49.06).

**Chapter 52, Notice to Insurer and Proof of Loss Clauses:** Chapter 52 contains revised analysis of to whom notice should be given; who may give notice; and when notice should be given (§§ 52.04, 52.05, 52.06).

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# Goods in Transit

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Publication 628    Release 58

June 2008

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- 2. This Release Number 58 contains only White Revision pages.
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## VOLUME 1

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