

RCW 62A.7-309 Duty of care; contractual limitation of carrier's liability. Save as otherwise provided in RCW 81.29.010 and 81.29.020:

(a) A carrier that issues a bill of lading, whether negotiable or nonnegotiable, shall exercise the degree of care in relation to the goods which a reasonably careful person would exercise under similar circumstances. This subsection does not affect any statute, regulation, or rule of law that imposes liability upon a common carrier for damages not caused by its negligence.

(b) Damages may be limited by a term in the bill of lading or in a transportation agreement that the carrier's liability may not exceed a value stated in the bill of lading or transportation agreement if the carrier's rates are dependent upon value and the consignor is afforded an opportunity to declare a higher value and the consignor is advised of the opportunity. However, such a limitation is not effective with respect to the carrier's liability for conversion to its own use.

(c) Reasonable provisions as to the time and manner of presenting claims and commencing actions based on the shipment may be included in a bill of lading or a transportation agreement. [2012 c 214 s 408; 2009 c 549 s 1017; 1965 ex.s. c 157 s 7-309. Cf. former RCW 81.32.031; 1961 c 14 s 81.32.031; prior: 1915 c 159 s 3; RRS s 3649; formerly RCW 81.32.040.]

Application—Savings—2012 c 214: See notes following RCW 62A.1-101.

Common carriers—Limitation on liability: Chapter 81.29 RCW.