

# COVERED NEWSWIRE

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## PLEASE COMMENT NOW

Go to <https://www.regulations.gov/commenton/FMC-2022-0066-0090> and comment in favor of this proposed rulemaking.



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## FMC PROPOSING NEW DEMURRAGE & DETENTION BILLING REQUIREMENTS

The Federal Maritime Commission (FMC) is proposing a new rule that seeks to bring more clarity, structure, and punctuality to the demurrage and detention billing practices of VOCCs, NVOCCs, and MTOs.

### The Commission is proposing four actions in this NPRM:

- Adopting the list of minimum information that common carriers must include in demurrage or detention invoices as mandated in OSRA and codified at [46 U.S.C. 41104\(d\)\(2\)](#).
- Adding to the list referenced immediately above additional information that must be included in or with a demurrage or detention invoice.
- Further defining prohibited practices by clarifying which parties may be billed for demurrage or detention charges.
- Establishing billing practices that billing parties must follow when invoicing for demurrage or detention charges.

### Q: What does this new rule do?

A: If this proposed rule is adopted, vessel operating common carriers (VOCCs), non-vessel-operating common carriers (NVOCCs), and marine terminal operators (MTOs) will all be required to issue bills for demurrage or detention only to parties that they have a contractual relationship with, to be clear regarding the nature of the charges, and issue invoices within 30 days after the charges stop accruing, and provide 30 days to dispute the charges with clear information about how charges should be disputed.

### Q: How does this affect me?

A: Streamlining how and who these charges are billed to gives more leverage to beneficial cargo owners (BCOs) to negotiate directly with VOCCs, NVOCCs, and MTOs. Currently truckers and other parties receive invoices for per diem that is then billed back to the BCO. This adds administrative costs for everyone involved and makes it harder to dispute these charges.

### Q: What can I do about it?

A: Right now, the FMC is accepting comments at [Regulations.gov](https://www.regulations.gov) until December 13<sup>th</sup>. Going on that website and commenting will make it more likely that the FMC will implement the proposed rulemaking that VOCCs, NVOCCs, and MTOs must follow by law.