

## **CHAPTER 8-05 FREIGHTAGE**

### **8-05-01. When freightage to be paid.**

A carrier may require the carrier's freightage to be paid upon the carrier's receiving the freight. If the carrier does not demand it then, the carrier cannot demand it until the carrier is ready to deliver the freight to the consignee.

### **8-05-02. Consignor liable for freightage.**

The consignor of freight is presumed to be liable for the freightage, but if the contract between the consignor and the carrier provides that the consignee shall pay it and the carrier allows the consignee to take the freight, the carrier cannot afterwards recover the freightage from the consignor.

### **8-05-03. Consignee liable for freight.**

The consignee of freight is liable for the freightage if the consignee accepts the freight with notice of the intention of the consignor that the consignee should pay it.

### **8-05-04. Natural increase - No freightage.**

No freightage can be charged upon the natural increase of freight.

### **8-05-05. Apportioned pursuant to contract.**

If freightage is apportioned by a bill of lading or other contract made between a consignor and carrier, the carrier is entitled to payment according to the apportionment for so much as the carrier delivers.

### **8-05-06. Apportionment upon acceptance of part of freight.**

If a part of the freight is accepted by a consignee without a specific objection that the rest is not delivered, the freightage must be apportioned and paid as to that part, though not apportioned in the original contract.

### **8-05-07. Apportionment according to distance.**

If a consignee voluntarily receives freight at a place short of the one appointed for delivery, the carrier is entitled to a just proportion of the freightage, according to the distance. If the carrier, being ready and willing, offers to complete the transit, the carrier is entitled to the full freightage. If the carrier does not thus offer completion and the consignee receives the freight only from necessity, the carrier is not entitled to any freightage.

### **8-05-08. Extra carriage - No additional freightage.**

If freight is carried further or more expeditiously than was agreed upon by the parties, the carrier is not entitled to additional compensation and cannot refuse to deliver it on the demand of the consignee at the place and time of its arrival.

### **8-05-09. Carrier's lien for freightage.**

A carrier has a lien for freightage which is regulated by title 35.