Per Diem and Detention Bill Checklist

For drayage trucking companies. Run every per diem or detention invoice from an ocean carrier or marine terminal through this list before you pay it. Prepared by Nazmul, Zenmul. Updated November 2026.

1. Did the invoice come on time?

Under FMC rule 46 CFR 541.7, a carrier or terminal must issue the invoice within 30 calendar days from the date the charge was last incurred. If it is late, you are not required to pay that charge.

- [ ] Find the last day the charge ran (usually the day the empty went back).
- [ ] Count 30 calendar days from that day.
- [ ] Is the invoice date later than that? Mark it. That charge does not have to be paid.
- [ ] Billed by an NVOCC passing on a carrier bill? The NVOCC has 30 days from the date of the invoice it received.

2. Does it have every required detail?

Under 46 CFR 541.6, the invoice must include the details below. Under 46 CFR 541.5, if a required detail is missing, the obligation to pay that charge is eliminated. Check each one:

- [ ] Invoice date and invoice due date
- [ ] Container number(s), bill of lading number and port of discharge
- [ ] Why you are the party being billed for the charge
- [ ] Allowed free time in days, plus the start date and end date of free time
- [ ] Container availability date (imports) or earliest return date (exports)
- [ ] The specific dates you are being charged for
- [ ] The tariff or contract rule the daily rate comes from, the rate per day, and the total due
- [ ] Contact details for questions, a way to dispute, and the time limits for asking for a fee reduction, refund or waiver
- [ ] A statement that the charges follow FMC rules
- [ ] A statement that the billing party's own performance did not cause or contribute to the charges

3. Were there days you could not return the empty?

These charges are meant to get containers back fast. The FMC rule at 46 CFR 545.5 treats charges that cannot do that job as likely unreasonable. Mark every day like this:

- [ ] Terminal closed (holiday, gate closure, labor action, weather). In TCW v. Evergreen, the FMC found that detention charged for days the port was closed was unreasonable, and in April 2026 the D.C. Circuit upheld that decision.
- [ ] No empty return appointments available. Save a screenshot of the appointment system each day you tried.
- [ ] Terminal refused your empty, or changed the return location with short notice.
- [ ] Remember: every compliant invoice now says the billing party's performance did not cause the charges. If the terminal was the cause, that statement is wrong, and your proof matters.

4. Are the numbers right?

[ ] Free time matches your contract or the carrier's published tariff.

[ ] Free time started on the correct date.

[ ] Chargeable days counted correctly (check how weekends and holidays are treated in the tariff).

[ ] Daily rate matches the rule named on the invoice.

[ ] The same container and the same days are not charged twice on two invoices.

5. Dispute on time and in writing

Under 46 CFR 541.8 you have 30 days to dispute, and the billing party must try to resolve it within 30 days after you do.

[ ] Send the dispute through the method shown on the invoice. Keep a copy.

[ ] List each container, each date you dispute, and the reason (late invoice, missing detail, closed day, no appointment, wrong count).

[ ] Attach your proof. Keep a calendar note for the 30 day reply window.

6. Keep a proof folder for every container

[ ] Gate in and gate out records (EIR or terminal tickets)

[ ] Appointment system screenshots with dates and times

[ ] Terminal closure notices and carrier emails

[ ] The invoice itself and every email about it

[ ] Your interchange contract with the carrier (for example the UIIA), if you have one

This checklist is a practical guide, not legal advice. The FMC rule that limited who could be billed (46 CFR 541.4) was struck down by a court in September 2025 and removed on December 29, 2025. Carriers can now bill truckers directly, usually under a contract such as the UIIA, so check what your contract says. Checking each invoice matters more than before.

Questions about a bill? Email nazmul@zenmul.com. Black out anything private. No login needed. Nothing goes to the carrier unless you send it.