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# The Legal Beagle

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Law Office of Attorney James P. Hentz

## Consumer's Rights in Traveling

### KNOW YOUR RIGHTS IF YOUR BAGS ARE LOST

*Ok, so you've already transitioned from confidently waiting for your bags at the luggage claim carousel, to anxiously waiting for your missing bags to be found, to now glumly wondering what to do now that your bags have been officially declared lost.*

#### Your Bags are Lost

Eventually, if your bags don't arrive, you and the airline will have to face up to an ugly truth - your bags have disappeared. About

2% of all missing bags remain lost, and if you fly enough, sooner or later, your bags may end up in this category.

When do missing bags become lost bags? Different airlines have different rules of thumb for this, and it depends on your itinerary and just how complicatedly the bags may get misrouted. It will almost certainly take more than a week for your bags to be deemed lost, perhaps as much as a month. The



*Planning a Vacation? Know your rights.*

amount of compensation you can get from the airline for lost luggage varies depending on whether you were on a domestic US flight, an international flight, or a domestic flight somewhere else in the world.

## What Can You Claim If Your Bags are Lost?

You can't necessarily claim on everything that was in your bags once it has been decided the bags have been lost. You'll probably have to make an itemized list of what was in your suitcases. Try and be

reasonably accurate here - it would be embarrassing if your suitcases were discovered the day after your claim was filed and the six brand new suits you were claiming on were discovered actually to be six well

worn pairs of jeans. Don't forget to claim for the cost of the suitcases themselves!

Also, be aware of fees relating to adjustment for delay reimbursements.

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#### Special points of interest:

- *When is Luggage Lost?*
- *Compensation for Lost Luggage*
- *What Can You Claim?*
- *Domestic & International Liability*
- *List of Non Liability Items*

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## Claim Limits

**Domestic Maximum Liability-** In the US, the Department of Transportation has specified that airlines are liable for up to \$2800 for losing your luggage. This limit increased from the earlier \$2500 limit on 22 Oct, 2004, and is expected to be adjusted every two years, in line with inflation.

This is a limit per passenger. If you were traveling with someone else, and if you had some of your items and some of your companion's items in

your lost bags, then conceivably you could possibly be able to claim up to \$5600 for the lost items.

**International Maximum Liability-** The airlines are liable for up to 1000 'Special Drawing Rights' for lost luggage. This is also a limit per passenger. A Special Drawing Right, SDR, is a sort of interna-



*What can I claim and how much?*

tional currency equivalent, set by the International Monetary Fund. The value of an SDR changes daily; its current conversion to US dollars on 3 Feb 1 SDR = US\$1.519, thus, the airlines would pay up to \$1519.

This 1000 SDR limit is expected to be reviewed every five years.

## How to Minimize the Risk of Baggage Loss

### **Reducing the Chance of Your Bags Disappearing**

Take anything that might confuse automatic bag scanning machines off the bags.

If you have bits of old luggage labels still on your bags anywhere, be sure to remove them.

When checking your bags in, carefully watch to make sure that each

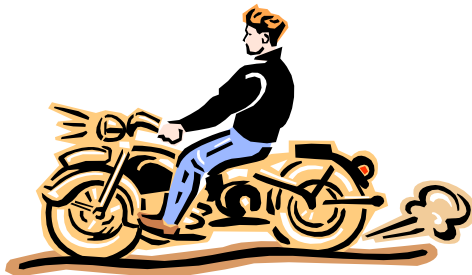
bag is properly tagged with its bag tag, and check you get your copies of the tags, and that they correctly show your destination and flight.

Try not to check in late for a flight, and try and make sure you don't have very tight connections if you're changing planes on your journey.

*“Sadly, there's nothing you can do to stop the airlines from losing your baggage. But you can help them find it again if it does get lost, and there are a couple of minor things you can do to help reduce the chance of your bags going astray”*

## Making It Easier For Your Bags To Be Found Again

Make your bags as distinctive as possible. One more generic black soft sided wheeled bag, in a warehouse full of generic black soft sided wheeled



*Be original!*

bags, is going to be much harder to find than one with purple and yellow stripes.

Well, you don't have to paint purple and yellow stripes on your

bags, but anything you can do to make it more obvious would be a good idea, starting off with, next time you buy a suitcase, perhaps considering a color other than black.

Also, consider using “MyTag” stickers on your luggage and verifying that your contact information displayed on your luggage tags is current.

## When to Expect Payment

Once you've finally agreed on everything with the airline, don't expect your payment immediately. It can take the airlines several months to then actually send you the agreed payment.

Is this fair? No. But it is, sadly, typical practice for the airlines, and there's very little you can do to try and encourage them to be more responsive.

### How to Minimize the Inconvenience of Luggage Loss

Never put anything in checked luggage that you can't survive without or replace. This means making sure you have an adequate supply of medications in your carry-on, plus things like trip vouchers, ID and credit cards, maybe even camera and used film. In my case, I never check my



*Remember:  
Be patient*

computer, and similarly, I never check my computer's power supply or modem cable either. I also make sure I have both my cell phone and its charger (or a Clipper Emergency Recharger) with me.

## Things the Airlines Usually Refuse To Be Liable For

Different airlines may have slightly different lists, but in general, they will usually refuse liability for the loss, delay, or damage to the following:

- Antiques, Computer Equipment and related items
- Documents (personal or business, negotiable papers)
- Electronic Equipment
- Film
- Fragile Items
- Irreplaceable Items
- Jewelry
- Keys
- Manuscripts
- Medication
- Money
- Paintings or one of a kind works of art
- Perishable Items,
- Pets/Animals
- Photographs

*“You've probably read this before, but it is worth repeating. Never put anything in checked luggage that you can't survive without or replace”*

- Photographic Equipment
- Samples
- Securities, Silverware and Watches

## Airline Insurance

Most airlines will offer to sell you insurance to extend their liability to a higher value than would otherwise be the case.

This insurance typically will cost you \$1 - \$2 per each extra \$100 of cover, and is still subject to the same exclusions (see



*Not worth it!*

above).

This is a very poor value for insurance cover.

Fewer than one in ten thousand bags end up being totally lost, which means the cost to the airline of selling you this premium is actually 1¢ per \$100, but they sell it to you for \$1+ per \$100!

Wouldn't you like to be able to sell things for one hundred times (or more) their cost price?

Be aware of exactly what it is you are paying for, before getting yourself into a deal that may simply be just not worth it.

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### *Consumer's Rights in Traveling*

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It is my firm's mission to provide high quality legal services, and to keep pace with and to anticipate the needs of those existing and potential business and individual clients I serve in the local area, in a manner that adheres to the highest standards of excellence and integrity, in a timely manner, at fees that clients are willing and able to pay and that are fair to the community.

My purpose is to act as an advisor to individuals seeking assistance in the areas of Landlord/ Tenant Law, Bankruptcy, Real Estate Closings, Title Insurance, Wills and Trusts, Family Law and Civil Litigation.

It is my personal goal to offer my expertise and knowledge to any individual or organization searching for legal advice as it relates to both personal and official matters.

#### **Areas of Practice**

- Landlord/ Tenant Law
- Bankruptcy
- Real Estate Closings/ Title Insurance
- Family Law/ Wills and Trusts
- Civil Litigation



## In Conclusion

### **What Happens if the Airline Finds Your Bags after Reimbursing You for Losing Your Luggage?**

Most likely, when accepting payment from the airline for your lost luggage, you are also signing over ownership to your lost property to the airline, in case they subsequently find it.

In such a case, it is very unlikely the airline would even tell you if they sub-

sequently found your bags.

Instead, they'll probably sell it, at a very low price, to the Unclaimed Baggage Center, UBC, in Scottsboro, AL. And, no, there's no way you can ask the UBC to look out for your bags. They have thousands of items come in every day, and no system for trying to match bags to their lost owners



*Enjoy your vacation!*

### **I suggest...**

Never pack anything irreplaceable in your checked luggage, because there is always a small chance it might be lost or broken or stolen.

If something does go wrong, you can negotiate with the airline to get the fairest resolution to your inconvenience.

Don't necessarily believe their first offer is their best offer.

Don't expect to profit on the deal, but any un-reimbursed loss can probably be claimed from your regular householder's insurance policy.