

Broker Bond Claim Kit

Fillable pages for a claim against a freight broker's \$75,000 BMC-84 surety bond or BMC-85 trust fund.
Companion to the RateAnchor guide *Broker Didn't Pay? File Against the Bond*.

How this kit is organized

Three pages in this kit are letters you SEND — to the broker, then to the surety. Each is its own page with nothing but the letter: no page numbers, no RateAnchor name, nothing the recipient does not need to see. Fill in the fields (click into any underlined box), then either print that one page and mail or fax it, or use your PDF reader's Print → Save-as-PDF to export just that page and email it. If you prefer your own letterhead, you are welcome to copy the filled-in text into your own document instead — either way works.

The other four pages are worksheets for your own records — they keep the RateAnchor footer and page numbers and are not meant to be sent to anyone.

The page order

- p.2 First demand letter**
SEND to the broker, at the payment due date
- p.3 Second (final) demand letter**
SEND to the broker, ~10 days later if unpaid
- p.4 Find the surety**
worksheet — for your own records
- p.5 Evidence index**
worksheet — the front page of your packet
- p.6 Claim letter to the surety**
SEND to the surety on top of your packet — once the invoice is 30+ days old and unpaid
- p.7 Deadline tracker & next steps**
worksheet — keep this one on the wall

The facts this kit rests on

Every licensed broker keeps \$75,000 on deposit (BMC-84 bond or BMC-85 trust) to pay carriers it did not pay	49 CFR 387.307(a)
The surety on file WHEN THE LOAD MOVED stays liable even if the broker later replaced it	387.307(d)(2)(ii)
The broker has 7 business days to answer your claim; silence + a valid claim = the surety pays	387.307(e)(1)(ii)
A payment that drops the bond below \$75,000 must be reported to FMCSA within 2 business days	387.307(e)(4)
The broker then has 7 business days to restore \$75,000 or its authority is suspended	387.307(e)(5)–(6)
On a broker's financial failure, the surety must accept claims for 60 calendar days after FMCSA publishes	387.307(f)(4)
Then pays within 30 days: in full, or PRO-RATA if claims exceed \$75,000	49 U.S.C. 13906(b)(6)
A bankruptcy filing by itself is NOT financial failure under the rule	387.307(e)(2), (f)(2)
You have 18 MONTHS from the day the claim accrues to begin a civil action to recover charges	49 U.S.C. 14705(a)

Rule effective January 16, 2026. "Business days" exclude weekends and Federal holidays. The claim goes to the SURETY, not to FMCSA — FMCSA registers the bond; the surety pays it.

First Demand Letter

Date

To (broker's legal name)

Broker MC # / USDOT #

From (your legal name)

Your MC # / USDOT #

Re: unpaid freight charges

Rate confirmation #

Delivered on (date)

Delivery city, state

Invoice #

Invoice amount (\$)

Invoice sent (date)

Payment due (date)

Please remit payment in full by (date)

This letter is written notice that payment on the invoice referenced above is now due. The invoice was sent with signed proof of delivery attached. Please remit payment in full by the date stated above. If any portion of this invoice is disputed, please state the basis for the dispute in writing by that same date.

Name / title

Company

Phone

Email

Second Demand Letter — Final Notice

Date

To (broker's legal name)

Broker MC #

Re: FINAL DEMAND — unpaid freight charges

Rate confirmation #

Invoice #

Amount owed (\$)

First demand sent (date)

Days past due

Final payment deadline (date)

This is a final demand for payment. Our written demand of the date referenced above was not answered, and the invoice referenced above remains unpaid. If payment in full is not received by the final deadline stated above, we will file a claim against your BMC-84 surety bond or BMC-85 trust fund on file with the FMCSA for the full amount owed, and will report this matter to the FMCSA National Consumer Complaint Database.

Name / title

Company

Phone

Email

STEP 1 — FOR YOUR OWN RECORDS

Find the surety

Go to li-public.fmcsa.dot.gov → Carrier Search → enter the broker's MC or USDOT number from your rate confirmation. Record what you find below — every field is needed on the claim letter.

From “Active/Pending Insurance”

Form on file (BMC-84 bond / BMC-85 trust)

Effective date

Surety company or trustee name

Bond / policy number

From “Insurance History” — surety on file on your delivery date

If the broker switched sureties, the one liable for YOUR load is whichever one's window covers your delivery date (49 CFR 387.307(d)(2)(ii)).

Your delivery date

Surety on file that date

Its bond number

Its effective / cancellation dates

From “Authority History”

Authority status (active / revoked / pending)

Date of any revocation

Surety's claims contact

Call the surety's main number and ask for the bond claims department. Many sureties have a dedicated BMC-84 claims email or web form.

Claims phone

Claims email / web form

Claim reference # they assign

Evidence index

Assemble one PDF in this order, every page dated. Tick each item as it goes into your packet and note the page number. Missing #3 or #5 is the usual reason a claim stalls; many sureties will not open a claim without #9 and #10.

	In packet	Pages	Date on document
1. Claim letter (page 6 of this kit, filled in)	☐		
2. Rate confirmation — signed, showing broker MC#, rate, terms	☐		
3. Bill of lading / proof of delivery — signed at destination	☐		
4. Your invoice — number, date sent, amount, method; at least 30 days old and unpaid	☐		
5. Demand history — both letters from this kit, with proof of sending	☐		
6. FMCSA L&I; printout — the BMC-84/85 row naming the surety	☐		
7. Your MC#/USDOT# and W-9 (if the surety asks)	☐		
8. Any accessorial or detention support the rate con provides for	☐		
9. The original signed carrier packet — your broker-carrier agreement with this broker	☐		
10. Notarized proof-of-claim form — the surety's own form, signed before a notary; goes behind the claim letter	☐		

Amount claimed — only what the rate confirmation supports

Line-haul per rate confirmation (\$)

Agreed accessories (\$)

Detention the rate con provides for (\$)

TOTAL CLAIMED (\$)

Late fees and interest the rate con does not mention generally do not belong on a bond claim; including them invites a contest that slows the whole claim.

Claim Letter — to the Surety / Trustee

Date

Bond / policy #

To (surety company or trustee name) — Bond Claims Department

Principal (broker legal name)

Broker MC# / USDOT#

Claimant (your legal name)

Your MC# / USDOT#

The transportation

Rate confirmation # / date

Commodity

Origin (city, state)

Destination (city, state)

Delivered on (date)

The charges

Agreed rate (\$)

Accessorials (\$, if any)

Invoice # / date

Amount due (\$)

The demand

First demand sent (date)

Second demand sent (date)

TOTAL CLAIMED FROM THE BOND (\$)

This is a claim under 49 U.S.C. 13906(b) and 49 CFR 387.307 against the above-referenced bond or trust fund for unpaid freight charges owed to the claimant by the principal, as detailed above. Enclosed, in order: this letter; the rate confirmation; the signed bill of lading / proof of delivery; the invoice, now more than thirty days unpaid; the demand history; the FMCSA Licensing & Insurance record naming your company as surety; the claimant's authority; the broker-carrier agreement signed by the claimant; and the claimant's notarized proof of claim on your form. Please confirm receipt and the claim reference number. Under 49 CFR 387.307(e)(1)(ii), if the principal does not respond within 7 business days and the claim is determined valid, payment is due from the bond.

Name / title

Company / address

Phone

Email

Deadline tracker

Fill this in the day you start. Every date is either set by the rule or a promise you made yourself. The 18-month line is the one that ends the claim if you miss it.

	Date	Rule / note
Load delivered (claim accrues)		start of the 18-month clock — 14705(a)
Invoice + POD sent		
Payment due per rate con		
First demand sent		at the due date
Second demand sent (names the bond)		~10 days after the first
Claim packet sent to surety		invoice 30+ days unpaid; proof of sending
+7 business days: broker's response window ends		387.307(e)(1)(ii)
Surety decision / payment received		note claim reference #
If failing — FMCSA Register publication date		387.307(f)(4)
+60 calendar days: claim window CLOSES		not in the pool if you miss it
+30 days: surety pays (full or pro-rata)		13906(b)(6)
+12 months unpaid: escalate to counsel		your own trip-wire
+18 MONTHS: last day to begin a civil action		14705(a) — HARD STOP

If the bond is short or gone

- ☐ Civil action against the broker — a judgment is itself a bond-drawdown trigger, 387.307(e)(1)(iii)
- ☐ Transportation collections firm — contingency, written no-recovery-no-fee term
- ☐ The shipper — only after a transportation attorney reads the rate con and BOL
- ☐ Report to FMCSA — nccdb.fmcsa.dot.gov (builds the record; does not recover money)

Sources: 49 CFR 387.307 (ecfr.gov, current text); 49 U.S.C. 13906 and 14705 (law.cornell.edu); FMCSA Broker and Freight Forwarder Financial Responsibility Rule overview (fmcsa.dot.gov). RateAnchor is decision support for professional carriers; nothing here is legal advice. Rules change — read the current text before acting on a deadline.