

INSTRUCTIONS FOR FILING TCRC CLAIM FORM
READ THESE INSTRUCTIONS PRIOR TO COMPLETING THE CLAIM FORM

This claim form is for the purpose of **making a claim** for payment from the Travel Consumer Restitution Fund. It is the form you need in order to request payment from the restitution fund for transportation or travel services that you as a purchaser or passenger had paid for but did not receive. In order to file a claim, the refund due to you from the travel seller against whom your claim is made must be **\$50 or greater**. You have a **maximum of one year** from the **scheduled date of completion** of travel to file a claim for payment from the restitution fund. If you have questions, please write or fax the TCRC at the address shown at the end of this form.

A purchaser or passenger who has sustained a loss of **more than \$50** as a result of the failure of a seller of travel to make a refund that is due as a result of bankruptcy, insolvency, cessation of business or material failure to provide the services purchased, may be eligible for payment from the Travel Consumer Restitution Fund. Payment from the fund is limited to the amount paid to the travel seller against whom the claim is made for the transportation and travel services, up to a maximum of \$15,000 per person.

Only losses resulting from a transaction with a registered seller of travel who is a participant in the Travel Consumer Restitution Fund (TCRF) can be reimbursed from the fund. **Airlines and cruise lines** are not covered by the law governing the restitution fund and **are not participants in the restitution fund**. Therefore, if you purchased transportation directly from an airline or cruise line, or your loss was due to the bankruptcy or cessation of operations of an airline or cruise line, your claim generally will not be eligible for payment from the fund.

Only consumers who were **LOCATED IN CALIFORNIA AT THE TIME PAYMENT(S) WERE MADE** for travel services can receive payment from the fund. In addition, payment from the restitution fund *is secondary to any other source*. Therefore, if you may be eligible for reimbursement from an insurer, or may have the right to a credit card charge back, **you must show proof that you have attempted to obtain payment from such sources before your claim against the restitution fund can be decided**.

To be eligible for payment from the fund, you **must file a claim within one year of the scheduled completion date of the travel**. To file a claim, send the claim form and required documentation, along with a **\$35 processing fee**, to the TCRC at the address shown at the end of these instructions and at the end of the claim form. Once a completed claim form and the processing fee have been received, the TCRC will process your claim, generally within 45 to 60 days. After your claim is decided, you will receive a letter describing the factual and legal basis for the approval or denial of your claim. Please note that if your claim is granted, or if it is denied because the travel seller was not registered or was not a participant in the restitution fund, your \$35 processing fee will be refunded; if your claim is denied for any other reason, the processing fee is completely **non-refundable**.

By filing a claim for payment from the Travel Consumer Restitution Fund, you **waive your right to bring any court action**, including a small claims court action, against the seller of travel as to whom the claim is made that arises from the transaction that is the subject of this claim. This waiver does not apply to you, however, if your claim is denied by the TCRC for any of the following grounds, as set forth in the statement of decision, which will be mailed to you by the TCRC:

1. At the time of sale, the seller of travel was not a paid-up participant in the Travel Consumer Restitution Fund.
2. At the time of sale, the seller of travel was not in good standing as a registered seller of travel in the State of California.
3. The claimant was not physically located in California at the time of sale.

If any of the above reasons for denial apply to your claim, you are free to pursue other legal remedies against the seller of travel as to whom your claim is made.

Please fill out the claim form and return it, any supporting documents, and the \$35 processing fee to the TCRC. The claim must be submitted within one year of the scheduled completion date of the travel. **Do not send original documents; all supporting documents must be copied on ONE-SIDED PAGES ONLY, ON 8 ½" X 11" PAPER**, and included with your claim form.

ALL CLAIMS MUST INCLUDE PROOF OF PAYMENT; examples of acceptable proof of payment are: for payment in cash, a bank statement showing a cash withdrawal; for payment by check, a copy of the front and back of a canceled check, or the front of the check and a check account statement showing the check was paid; and for payment by credit card, a copy of the credit card statement showing your name and address.

**BEFORE YOU SEND IN THE CLAIM FORM,
ALL THESE BOXES MUST BE CHECKED**

- The purchaser or passenger making the claim was physically located in California at the time of the purchase.
- You have made a claim against your travel insurance, homeowners insurance, or renters insurance, and have included a copy of their response.
- You have completed and mailed a credit card dispute (if applicable), and have included a copy of the bank's response.
- Your loss was more than \$50.00
- You have included copies of all evidence to support your claim, on one-sided, 8 ½ x 11 paper.
- All claimants (except minor children) have signed and dated the claim form.
- All claimants (except minor children) have signed and dated the waiver form.
- Parent or Legal Guardian has signed and dated forms for minor children.
- Your \$35.00 processing fee is enclosed.

Your claim cannot be processed without all the required documents and the processing fee. Failure to comply will delay processing and may even result in denial of your claim.

TCRC, P.O. BOX 6001, LARKSPUR, CA 94977-6001 FAX: (415) 924-2033
