

A bill for an act
relating to transportation; regulating contracts; prohibiting indemnification
provisions; proposing coding for new law in Minnesota Statutes, chapter 221.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[221.87] INDEMNITY PROVISION IN MOTOR CARRIER
TRANSPORTATION CONTRACTS.**

Subdivision 1. **Void.** Notwithstanding any provision of law to the contrary, a
provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor
carrier transportation contract that purports to indemnify, defend, or hold harmless, or
has the effect of indemnifying, defending, or holding harmless, the promisee from or
against any liability for loss or damage resulting from the negligence or intentional acts
or omissions of the promisee is against the public policy of this state and is void and
unenforceable.

Subd. 2. **Definitions.** For the purposes of this section:

(1) "motor carrier transportation contract" means a contract, agreement, or
understanding covering:

- (i) the transportation of property for compensation or hire by the motor carrier;
- (ii) entrance on property by the motor carrier for the purpose of loading, unloading,
or transporting property for compensation or hire; or
- (iii) a service incidental to activity described in item (i) or (ii), including, but not
limited to, storage of property; and

(2) "promisee" means the promisee and any agents, employees, servants, or
independent contractors who are directly responsible to the promisee except for motor
carriers party to a motor carrier transportation contract with promisee, and such motor

2.1 carrier's agents, employees, servants, or independent contractors directly responsible
2.2 to the motor carrier.

2.3 Subd. 3. **Exclusion.** "Motor carrier transportation contract," as defined in this
2.4 section, shall not include the Uniform Intermodal Interchange and Facilities Access
2.5 Agreement administered by the Intermodal Association of North America, as that
2.6 agreement may be amended by the Intermodal Interchange Executive Committee from
2.7 time to time.

2.8 Sec. 2. **EFFECTIVE DATE; APPLICATION.**

2.9 Section 1 is effective the day following final enactment and applies to existing
2.10 contracts on that date and contracts entered into or renewed on or after that date.