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State of Minnesota

Printed Page No. 304

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1992

01/30/2012 Authored by Kelly, Morrow, Atkins and Hamilton
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform
02/16/2012 Adoption of Report: Pass and Read Second Time
03/29/2012 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
1.2 relating to transportation; motor carriers; prohibiting indemnity provisions in
1.3 motor carrier contracts; proposing coding for new law in Minnesota Statutes,
1.4 chapter 221.

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

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

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

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

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

1.18 (i) the transportation of property for compensation or hire by the motor carrier;

1.19 (ii) entrance on property by a motor carrier or a private carrier for the purpose of
1.20 loading, unloading, or transporting property; or

1.21 (iii) a service incidental to activity described in item (i) or (ii), including, but not
1.22 limited to, storage of property; and

1.23 (2) "promisee" means the promisee and any agents, employees, servants, or
1.24 independent contractors who are directly responsible to the promisee except for motor

2.1 carriers party to a motor carrier transportation contract with promisee, and such motor
2.2 carrier's agents, employees, servants, or independent contractors directly responsible
2.3 to the motor carrier.

2.4 Subd. 3. **Exclusion.** "Motor carrier transportation contract," as defined in this
2.5 section, shall not include the Uniform Intermodal Interchange and Facilities Access
2.6 Agreement administered by the Intermodal Association of North America or other
2.7 agreements providing for the interchange, use or possession of intermodal chassis,
2.8 containers, or other intermodal equipment.

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

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