

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1687

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DATE	D-PG	OFFICIAL STATUS
02/02/2012	3707	Introduction and first reading Referred to Transportation
02/13/2012	3792	Comm report: To pass and re-referred to Commerce and Consumer Protection
03/21/2012	4667	Comm report: To pass and re-referred to Judiciary and Public Safety
03/23/2012	5046	Comm report: To pass
	5140	Second reading
04/02/2012	5488	HF substituted on General Orders HF1992

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.