



Senate

General Assembly

File No. 303

January Session, 2009

Substitute Senate Bill No. 1023

Senate, March 30, 2009

The Committee on Insurance and Real Estate reported through SEN. CRISCO of the 17th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING MOTOR CARRIER INDEMNITY AGREEMENTS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective July 1, 2009*) (a) For the purposes of this
2 section, "motor carrier transportation contract" means a contract,
3 agreement or understanding concerning (1) the transportation of
4 property for compensation or hire, (2) the entry on public or private
5 property for the purpose of loading, unloading or transporting
6 property for compensation or hire, or (3) a service incidental to the
7 activities set forth in subdivisions (1) and (2) of this subsection.

8 (b) Notwithstanding any other provision of law, any provision,
9 clause, covenant or agreement contained in a motor carrier
10 transportation contract that purports to indemnify, defend or hold
11 harmless, or has the effect of indemnifying, defending or holding
12 harmless an indemnitee from or against any liability for loss or
13 damage resulting from such indemnitee's negligence or intentional acts
14 or omissions shall be void and unenforceable.

15 (c) This section shall not apply to a contract, agreement or
16 understanding that concerns or affects the transportation of household
17 goods, as defined in section 13b-387 of the general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2009</i>	New section

INS *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

This bill makes changes to motor carrier indemnity contracts and does not result in a fiscal impact.

The Out Years

None

OLR Bill Analysis**sSB 1023*****AN ACT CONCERNING MOTOR CARRIER INDEMNITY AGREEMENTS.*****SUMMARY:**

This bill makes void and unenforceable any provision, clause, covenant, or agreement in a “motor carrier transportation contract” that indemnifies, defends, or holds harmless an “indemnatee” from or against liability for loss or damage his or her negligence or intentional acts or omissions caused. It specifies that it does not apply to contracts for moving household goods. (Though the bill does not define “indemnatee,” it presumably means a shipper or other person that is not the motor carrier.)

EFFECTIVE DATE: July 1, 2009

MOTOR CARRIER TRANSPORTATION CONTRACT

The bill defines “motor carrier transportation contract” as a contract, agreement, or understanding about (1) transporting property for compensation or hire; (2) entering public or private property to load, unload, or transport property for compensation or hire; or (3) a service incidental to either (1) or (2).

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/12/2009)