



Senate

File No. 1001

General Assembly

January Session, 2009

(Reprint of File No. 303)

Substitute Senate Bill No. 1023
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 28, 2009

**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, and applicable to motor carrier*
2 *transportation contracts entered, renewed, modified or extended on or after*
3 *July 1, 2009*) (a) For the purposes of this section, "motor carrier
4 transportation contract" means a contract, agreement or understanding
5 concerning (1) the transportation of property for compensation or hire,
6 (2) the entry on public or private property for the purpose of loading,
7 unloading or transporting property for compensation or hire, or (3) a
8 service incidental to the activities set forth in subdivisions (1) and (2) of
9 this subsection. "Motor carrier transportation contract" does not
10 include the Uniform Intermodal Interchange and Facilities Access
11 Agreement administered by the Intermodal Association of North
12 America or other agreements providing for the interchange, use or
13 possession of intermodal chassis or containers or other intermodal
14 equipment.

15 (b) Notwithstanding any other provision of law, any provision,

16 clause, covenant or agreement contained in a motor carrier
17 transportation contract that purports to indemnify, defend or hold
18 harmless, or has the effect of indemnifying, defending or holding
19 harmless an indemnitee from or against any liability for loss or
20 damage resulting from such indemnitee's negligence or intentional acts
21 or omissions shall be void and unenforceable.

22 (c) This section shall not apply to a contract, agreement or
23 understanding that concerns or affects the transportation of household
24 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, and applicable to motor carrier transportation contracts entered, renewed, modified or extended on or after July 1, 2009</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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.

House "A" clarifies the definition of "motor carrier transportation contract" and does not result in a fiscal impact.

House "B" changes the effective date of section 1 and does not result in a fiscal impact.

The Out Years

None

OLR Bill Analysis**sSB 1023 (as amended by House "A" and "B")******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 "indemnitee" 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 "indemnitee," it presumably means a shipper or other person that is not the motor carrier.)

*House Amendment "A" adopts the same change in the file made by Senate Amendment "A" (which the House rejected) but corrects a typographical error in Senate "A."

*House Amendment "B" applies the bill's requirements only to contracts entered, renewed, modified, or extended on or after July 1, 2009.

EFFECTIVE DATE: July 1, 2009, and applicable to contracts entered, renewed, modified, or extended on or after that date.

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). The bill excludes from this definition the

Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America and any other agreements providing for the interchange, use or possession of intermodal chassis or containers or other intermodal equipment.

COMMITTEE ACTION

Insurance and Real Estate Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/12/2009)