

2018 -- H 7308 SUBSTITUTE A

LC004104/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2018

A N A C T

RELATING TO PUBLIC UTILITIES AND CARRIERS - MOTOR CARRIER
TRANSPORTATION CONTRACTS

Introduced By: Representatives Kennedy, Marshall, Edwards, Serpa, and Abney

Date Introduced: January 25, 2018

Referred To: House Corporations

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 39 of the General Laws entitled "PUBLIC UTILITIES AND
2 CARRIERS" is hereby amended by adding thereto the following chapter:

3 CHAPTER 13.1

4 MOTOR CARRIER TRANSPORTATION CONTRACTS

5 **39-13.1-1. Definitions.**

6 As used in this chapter:

7 (1) "Motor carrier" means a contract carrier, a common carrier or a private carrier of
8 property or passengers by motor vehicle.

9 (2) "Motor carrier transportation contract" means a contract, agreement or understanding
10 covering:

11 (i) The transportation of property for compensation by a motor carrier or a service
12 incidental thereof;

13 (ii) Entrance on property by a motor carrier for the purposes of loading, unloading, or
14 transporting property for compensation or a service incidental thereof; or

15 (iii) A service incidental to an activity described in subsections (2)(i) and (2)(ii) of this
16 section.

17 (3) "Promisee" means the promisee and any agents, employees, servants, or independent
18 contractors who are directly responsible to the promisee except for motor carriers party to a motor

1 carrier transportation contract with promisee, and such motor carrier's agents, employees,
2 servants or independent contractors directly responsible to such motor carrier.

3 **39-13.1-2. Indemnity agreement in motor carrier transportation contract void.**

4 (a) Notwithstanding the provisions of chapters 12 and 13 of title 39, or any general or
5 public law to the contrary, any provision, clause, covenant or agreement contained in a motor
6 carrier transportation contract that purports to indemnify, defend or hold harmless, or has the
7 effect of indemnifying, defending or holding harmless, an indemnitee from or against any liability
8 for loss or damage resulting from such indemnitee's negligence or intentional acts or omissions
9 shall be void and unenforceable.

10 (b) This section does not apply to the Uniform Intermodal Interchange and Facilities
11 Access Agreement administered by the Intermodal Association of North America or other
12 agreements providing for the interchange, use, or possession of intermodal chassis or other
13 intermodal equipment.

14 **39-13.1-3. Applicability.**

15 This chapter shall apply to motor carrier transportation contracts entered into or renewed
16 on or after the effective date of this chapter.

17 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

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1 This act would render void and unenforceable any motor transportation contract term
2 indemnifying an indemnitee from or against its own negligence, intentional acts or omissions in
3 contracts entered into or renewed on or after the effective date of the chapter.

4 This act would take effect upon passage.

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