

2018 -- H 7308

LC004104

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

18 Notwithstanding the provisions of chapters 12 and 13 of title 39, or any general or public law to

1 the contrary, any provision, clause, covenant or agreement contained in a motor carrier
2 transportation contract that purports to indemnify, defend or hold harmless, or has the effect of
3 indemnifying, defending or holding harmless, an indemnitee from or against any liability for loss
4 or damage resulting from such indemnitee's negligence or intentional acts or omissions shall be
5 void and unenforceable.

6 **39-13.1-3. Applicability.**

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

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

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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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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