

HOUSE BILL NO. 1195

Introduced by

Representatives Keiser, Ruby, Wald

1 A BILL for an Act to create and enact a new section to chapter 22-02 of the North Dakota
2 Century Code, relating to indemnity agreements in motor carrier transportation contracts.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1.** A new section to chapter 22-02 of the North Dakota Century Code is
5 created and enacted as follows:

6 **Indemnity agreement in motor carrier transportation contracts void.**

7 1. As used in this section:

8 a. "Motor carrier transportation contract" means a contract, agreement, or
9 understanding covering:

10 (1) The transportation of property for compensation or hire by the motor
11 carrier;

12 (2) Entrance on property by the motor carrier for the purpose of loading,
13 unloading, or transporting property for compensation or hire; or

14 (3) A service incidental to activity described in paragraph 1 or 2, including
15 storage of property.

16 b. "Promisee" includes any agent, employee, servant, or independent contractor
17 who is directly responsible to the promisee. The term does not include a
18 motor carrier that is party to a motor carrier transportation contract with the
19 promisee, and does not include that motor carrier's agent, employee, servant,
20 or independent contractor directly responsible to that motor carrier.

21 2. Notwithstanding any provision of law to the contrary, a provision, clause, covenant,
22 or agreement contained in, collateral to, or affecting a motor carrier contract which
23 purports to indemnify, defend, or hold harmless, or has the effect of indemnifying,
24 defending, or holding harmless, the promisee from or against any liability for loss or

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- 1 damage resulting from the negligence or intentional acts or omissions of the
- 2 promisee is void and unenforceable.