

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**

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