

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 168

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO MOTOR CARRIERS; AMENDING CHAPTER 10, TITLE 49, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 49-1014, IDAHO CODE, TO DEFINE TERMS AND TO PROVIDE THAT AN INDEMNITY AGREEMENT IN A MOTOR CARRIER TRANSPORTATION CONTRACT IS AGAINST THE PUBLIC POLICY OF THIS STATE AND IS VOID AND UNENFORCEABLE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Chapter 10, Title 49, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW SECTION, to be known and designated as Section 49-1014, Idaho Code, and to read as follows:

49-1014. INDEMNITY AGREEMENT IN MOTOR CARRIER TRANSPORTATION CONTRACTS VOID. As used in this section:

(1) "Motor carrier transportation contract" means a contract, agreement or understanding covering:

(a) The transportation of property for compensation or hire by the motor carrier;

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

(c) A service incidental to activity described in this subsection including, but not limited to, storage of property.

(2) "Promisee" means the promisee and any agents, employees, servants or independent contractors who are directly responsible to the promisee except for motor carriers party to a motor carrier transportation contract with the promisee and such motor carrier's agents, employees, servants or independent contractors directly responsible to such motor carrier.

(3) Notwithstanding any other provision of law to the contrary, a provision, clause, covenant or agreement contained in, collateral to or affecting a motor carrier transportation contract that purports to indemnify, defend or hold harmless, or has the effect of indemnifying, defending or holding harmless, the promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this state and is void and unenforceable.