

SECOND REGULAR SESSION
SENATE COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 961
93RD GENERAL ASSEMBLY

Reported from the Committee on Transportation, April 3, 2006, with recommendation that the Senate Committee Substitute do pass.

4753S.02C

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 390, RSMo, by adding thereto one new section relating to indemnity agreements in motor carrier transportation contracts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 390, RSMo, is amended by adding thereto one new section, to be known as section 390.372, to read as follows:

390.372. 1. Notwithstanding any 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.

2. For the purposes of this section, the following terms shall mean:

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

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

(b) The 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 paragraphs (a) and (b) of this subdivision, including but not limited to, storage of property;

21 "Motor carrier transportation contract" shall not include the Uniform
22 Intermodal Interchange and Facilities Access Agreement administered
23 by the Intermodal Association of North America or other agreements
24 providing for the interchange, use or possession of intermodal chassis,
25 or other intermodal equipment;

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

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Bill

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