

# Senate Bill 1052

Sponsored by Senator STARR (Pre-session filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Declares provision in motor carrier transportation contract that indemnifies indemnitee against liability for acts of indemnitee to be against public policy and void.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to motor carrier transportation contracts; and declaring an emergency.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2010 Act is added to and made a part of ORS chapter 825.**

5 **SECTION 2. (1) Notwithstanding any other provision of law to the contrary, any provision**  
6 **in a motor carrier transportation contract that requires a person to indemnify another per-**  
7 **son against liability for death, personal injury or property damage caused in whole or in part**  
8 **by the negligence of the indemnitee is against public policy and is void.**

9 **(2) This section does not affect any provision in a motor carrier transportation contract**  
10 **that requires a person to indemnify another person against liability for death, personal injury**  
11 **or property damage to the extent that the death, personal injury or property damage arises**  
12 **out of the fault of the indemnitor, or the fault of the indemnitor's agents, representatives**  
13 **or subcontractors.**

14 **(3) This section does not affect any provision in a motor carrier transportation contract**  
15 **that requires a party to acquire insurance coverage for liability attributable to death, per-**  
16 **sonal injury or property damage arising out of activities performed pursuant to the motor**  
17 **carrier transportation contract and to name another party to the contract as an additional**  
18 **insured.**

19 **(4) As used in this section:**

20 **(a) "Indemnitee" means the indemnitee and the indemnitee's agents, employees, repre-**  
21 **sentatives and subcontractors, but does not include a motor carrier or the motor carrier's**  
22 **agents, employees, representatives and subcontractors.**

23 **(b) "Motor carrier transportation contract" means any written agreement for:**

24 **(A) The transportation of personal property for compensation or hire;**

25 **(B) Entrance on real property for the purpose of packing, loading, unloading or trans-**  
26 **porting personal property for compensation or hire; or**

27 **(C) A service incidental to an activity described in subparagraph (A) or (B) of this para-**  
28 **graph including, but not limited to, storage of personal property for compensation or hire.**

29 **SECTION 3. Section 2 of this 2010 Act applies only to motor carrier transportation con-**  
30 **tracts entered into on or after the effective date of this 2010 Act.**

31 **SECTION 4. This 2010 Act being necessary for the immediate preservation of the public**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **peace, health and safety, an emergency is declared to exist, and this 2010 Act takes effect**  
2 **on its passage.**

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