

**A-Engrossed**  
**Senate Bill 259**

Ordered by the Senate March 9  
Including Senate Amendments dated March 9

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with pre-session filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Interim Committee on Business and Transportation)

**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.

Declares provision in motor carrier transportation contract that indemnifies party to contract against liability for acts of other party to be void. **Exempts certain agreements.**  
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 2011 Act is added to and made a part of ORS chapter 825.**

5 **SECTION 2. (1) Except as provided under subsections (2) and (3) of this section, any**  
6 **provision in a motor carrier transportation contract that requires either party or either**  
7 **party's surety or insurer to indemnify or hold harmless the other party against liability for**  
8 **death, personal injury or property damage caused in whole or in part by the negligence or**  
9 **intentional acts or omissions of the other party is void.**

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

14 **(3) This section does not apply to any Uniform Intermodal Interchange and Facilities**  
15 **Access Agreement administered by the Intermodal Association of North America or any**  
16 **other agreement providing for the interchange, use or possession of intermodal chassis,**  
17 **intermodal containers or other intermodal equipment.**

18 **(4) As used in this section, "motor carrier transportation contract" means any written**  
19 **agreement for:**

20 **(a) The transportation of personal property for compensation or hire;**

21 **(b) Entry upon real property for the purpose of packing, loading, unloading or trans-**  
22 **porting personal property for compensation or hire; or**

23 **(c) A service incidental to an activity described in paragraph (a) or (b) of this subsection**  
24 **including, but not limited to, storage of personal property for compensation or hire.**

25 **SECTION 3. Section 2 of this 2011 Act applies only to motor carrier transportation con-**  
26 **tracts entered into on or after the effective date of this 2011 Act.**

**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        **SECTION 4. This 2011 Act being necessary for the immediate preservation of the public**  
2        **peace, health and safety, an emergency is declared to exist, and this 2011 Act takes effect**  
3        **on its passage.**

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