

Senate Bill 259

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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 party to contract against liability for acts of other party to be void.

Declares emergency, effective on passage.

A BILL FOR AN ACT

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

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

SECTION 1. Section 2 of this 2011 Act is added to and made a part of ORS chapter 825.

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

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

(3) As used in this section, "motor carrier transportation contract" means any written agreement for:

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

(b) Entry upon real property for the purpose of packing, loading, unloading or transporting personal property for compensation or hire; or

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

SECTION 3. Section 2 of this 2011 Act applies only to motor carrier transportation contracts entered into on or after the effective date of this 2011 Act.

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

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.