CHAPTER 215-A

MOTOR CARRIER TRANSPORTATION CONTRACTS

§1459. Indemnity agreement in motor carrier transportation contract void

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Motor carrier" has the same meaning as in Title 29-A, section 101, subsection 37. [PL 2011, c. 85, §1 (NEW); PL 2011, c. 85, §2 (AFF).]

B. "Motor carrier transportation contract" means a contract, agreement or understanding covering:

(1) The transportation of property for compensation by a motor carrier;

(2) Entrance on property by a motor carrier for the purposes of loading, unloading or transporting property for compensation; or

(3) A service incidental to an activity described in subparagraph (1) or (2), including, but not limited to, storage of property. [PL 2011, c. 85, §1 (NEW); PL 2011, c. 85, §2 (AFF).]

C. "Promisee" includes any agent, employee, servant or independent contractor who is directly responsible to the promisee. The term does not include a motor carrier that is party to a motor carrier transportation contract with the promisee and does not include that motor carrier's agent, employee, servant or independent contractor directly responsible to that motor carrier. [PL 2011, c. 85, §1 (NEW); PL 2011, c. 85, §2 (AFF).]

[PL 2011, c. 85, §1 (NEW); PL 2011, c. 85, §2 (AFF).]

2. Certain indemnity agreements void. Notwithstanding any other provision of law, 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.

[PL 2011, c. 85, §1 (NEW); PL 2011, c. 85, §2 (AFF).]

SECTION HISTORY

PL 2011, c. 85, §1 (NEW). PL 2011, c. 85, §2 (AFF).

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