

**Senator Stephen H. Urquhart** proposes the following substitute bill:

**MOTOR CARRIER TRANSPORTATION CONTRACT**

**INDEMNITY AGREEMENTS**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Don L. Ipson**

Senate Sponsor: Stephen H. Urquhart

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**LONG TITLE**

**General Description:**

This bill modifies provisions relating to the unenforceability of certain motor carrier transportation contract indemnity agreements.

**Highlighted Provisions:**

This bill:

- ▶ provides definitions;
- ▶ provides that 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; and

- ▶ provides that this provision 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 indemnitor's agents or representatives.

**Money Appropriated in this Bill:**



26 None

27 **Other Special Clauses:**

28 None

29 **Utah Code Sections Affected:**

30 ENACTS:

31 **13-8-6**, Utah Code Annotated 1953



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **13-8-6** is enacted to read:

35 **13-8-6. Definitions -- Motor carrier indemnity agreements void.**

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

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

39 (b) entry on real property for the purpose of packing, loading, unloading, or  
40 transporting personal property for compensation or hire; or

41 (c) a service incidental to an activity described in Subsection (1)(a) or (b) including  
42 storage of personal property for compensation or hire.

43 (2) Except as provided in Subsection (3), any provision in a motor carrier  
44 transportation contract that requires either party or either party's surety or insurer to indemnify  
45 or hold harmless the other party against liability for death, personal injury, or property damage  
46 caused in whole or in part by the negligence or intentional acts or omissions of the other party  
47 is void.

48 (3) This section does not affect any provision in a motor carrier transportation contract  
49 that requires either party or either party's surety or insurer to indemnify another person against  
50 liability for death, personal injury, or property damage that arises out of the fault of:

51 (a) the indemnitor; or

52 (b) the indemnitor's agents or representatives.