

SENATE Substitute for SENATE BILL No. 149

By Committee on Judiciary

2-6

9 AN ACT relating to motor carriers; prohibiting requirements of indem-
10 nification from motor carriers for certain acts or omissions; exception.

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12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. (a) Notwithstanding any other provision of law, a provi-
14 sion, clause, covenant or agreement contained in, collateral to, or affecting
15 a motor carrier transportation contract that purports to indemnify, defend
16 or hold harmless, or has the effect of indemnifying, defending or holding
17 harmless, the contract's promisee from or against any liability for loss or
18 damage resulting from the negligence or intentional acts or omissions of
19 the contract's promisee, or any agents, employees or independent con-
20 tractors who are directly responsible to the contract's promisee, is against
21 the public policy of this state and is void and unenforceable.

22 (b) As used in this section with respect to a motor carrier as defined
23 in K.S.A. 66-1,108, and amendments thereto, "motor carrier transporta-
24 tion contract" means a contract, agreement or understanding covering:
25 (1) The transportation of property by a motor carrier; (2) the entrance on
26 property by the motor carrier for the purpose of loading, unloading or
27 transporting property; or (3) a service incidental to activity described in
28 paragraphs (1) or (2) including, but not limited to, storage of property.

29 (c) Nothing contained in this section affects a provision, clause, cov-
30 enant or agreement where the motor carrier indemnifies or holds harm-
31 less the contract's promisee against liability for damages to the extent that
32 the damages were caused by and resulting from negligence of the motor
33 carrier, its agents, employees or independent contractors who are directly
34 responsible to the motor carrier.

35 (d) Notwithstanding the other provisions contained in this section, a
36 motor carrier transportation contract shall not include the uniform inter-
37 modal interchange and facilities access agreement administered by the
38 intermodal association of North America, as that agreement may be
39 amended by the intermodal interchange executive committee.

40 (e) A provision in a motor carrier transportation contract which re-
41 quires a party to provide liability coverage to another party, as an addi-
42 tional insured, for such other party's own negligence or intentional acts
43 or omissions is against public policy and is void and unenforceable.

- 1 (f) This section applies only to indemnification and additional insured
- 2 provisions entered into after the act takes effect.
- 3 Sec. 2. This act shall take effect and be in force from and after its
- 4 publication in the statute book.