

HOUSE BILL No. 2262

By Committee on Judiciary

1-26

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

11

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;
26 (2) the entrance on property by the motor carrier for the purpose of
27 loading, unloading or transporting property; or
28 (3) a service incidental to activity described in paragraphs (1) or (2)
29 including, but not limited to, storage of property.

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

36 (d) A motor carrier transportation contract shall not include the uni-
37 form intermodal interchange and facilities access agreement administered
38 by the intermodal association of North America or other agreements pro-
39 viding for the interchange, use or possession of intermodal chassis, con-
40 tainers or other intermodal equipment.

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

1 or omissions is against public policy and is void and unenforceable.
2 (f) This section applies only to indemnification and additional insured
3 provisions entered into after the act takes effect.
4 Sec. 2. This act shall take effect and be in force from and after its
5 publication in the statute book.