

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH70290-RW-32 (4/4)

Short Title: Hold Harmless/Motor Carrier Contracts.

(Public)

Sponsors: Representative Cole.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO PROVIDE THAT PROVISIONS IN MOTOR CARRIER FREIGHT
TRANSPORTATION CONTRACTS THAT HOLD HARMLESS THE SHIPPER
FOR THE SHIPPER'S NEGLIGENCE OR INTENTIONAL ACTS ARE VOID.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 62 of the General Statutes is amended by adding a
new section to read:

"§ 62-212. Indemnity agreements in motor carrier transportation contracts.

(a) 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 promise from or against any liability for loss or damage resulting from the negligence or intentional acts or omission of the promisee is against the public policy of this State and is void and unenforceable.

(b) The following definitions apply in this section:

(1) Motor carrier transportation contract. – A contract, agreement, or understanding covering at least one of the following:

a. The transportation of property for compensation or hire by the motor carrier.

b. Entrance on property by the motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire.

c. A service incidental to activity described in sub-subdivision a. or b. of this subdivision, including, but not limited to, storage of property.

(2) Promisee. – The promisee and any agents, employees, servants, or independent contractors who are directly responsible to the promisee,

1 except for motor carriers party to a motor carrier transportation
2 contract with the promisee, and the motor carrier's agents, employees,
3 servants, or independent contractors directly responsible to the motor
4 carrier."

5 **SECTION 2.** This act is effective when it becomes law and applies to
6 contracts entered into on or after that date.