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HOUSE BILL 407

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Daniel P. Silva

FOR THE REVENUE STABILIZATION AND TAX POLICY COMMITTEE

AN ACT

RELATING TO MOTOR CARRIERS; INVALIDATING INDEMNITY PROVISIONS
IN MOTOR CARRIER TRANSPORTATION CONTRACTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Motor Carrier Act is
enacted to read:

"~~[NEW MATERIAL]~~ INDEMNITY PROVISIONS IN MOTOR CARRIER
TRANSPORTATION CONTRACTS VOID.--

A. A provision or agreement contained in,
collateral to or affecting a motor carrier transportation
contract that requires one party to the contract to indemnify
or hold harmless, or that has the effect of indemnifying or
holding harmless, another party to the contract from liability
for loss or damage resulting from the negligence or intentional
acts or omissions of that other party, or agents, employees or

.163496.2

underscoring material = new
[bracketed material] = delete

1 independent contractors that are directly responsible to that
2 party, is against the public policy of this state and is void
3 and unenforceable.

4 B. A provision in a motor carrier transportation
5 contract that requires a party to provide liability coverage to
6 another party, as an additional insured, for the other party's
7 negligence or intentional acts or omissions is against the
8 public policy of this state and is void and unenforceable.

9 C. As used in this section, "motor carrier
10 transportation contract":

11 (1) means a contract, agreement or
12 understanding covering:

13 (a) the transportation of property for
14 compensation or hire by the motor carrier;

15 (b) the entrance on real property by the
16 motor carrier for the purpose of loading, unloading or
17 transporting property for compensation or hire; or

18 (c) a service incidental to an activity
19 described in Paragraph (1) or (2) of this subsection, including
20 storage of property; and

21 (2) does not include the Uniform Intermodal
22 Interchange and Facilities Access Agreement administered by the
23 intermodal association of North America or other agreements
24 providing for the interchange, use or possession of intermodal
25 chassis or other intermodal equipment."

underscoring material = new
[bracketed material] = delete

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Section 2. APPLICABILITY.--The provisions of this act are applicable to motor carrier transportation contracts entered into or renewed on or after July 1, 2007.