

1 AN ACT
2 RELATING TO MOTOR CARRIERS; INVALIDATING INDEMNITY PROVISIONS
3 IN MOTOR CARRIER TRANSPORTATION CONTRACTS.
4

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

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

8 "INDEMNITY PROVISIONS IN MOTOR CARRIER TRANSPORTATION
9 CONTRACTS VOID.--

10 A. A provision or agreement contained in,
11 collateral to or affecting a motor carrier transportation
12 contract that requires the motor carrier to indemnify or hold
13 harmless, or that has the effect of indemnifying or holding
14 harmless, the shipper from liability for loss or damage
15 resulting from the negligence or intentional acts or
16 omissions of the shipper, or agents, employees or independent
17 contractors that are directly responsible to the shipper, is
18 against the public policy of this state and is void and
19 unenforceable.

20 B. As used in this section, "motor carrier
21 transportation contract":

22 (1) means a contract, agreement or
23 understanding covering:

24 (a) the transportation of property for
25 compensation or hire by the motor carrier;

1 (b) the entrance on real property by
2 the motor carrier for the purpose of loading, unloading or
3 transporting property for compensation or hire; or

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

7 (2) does not include the Uniform Intermodal
8 Interchange and Facilities Access Agreement administered by
9 the intermodal association of North America or other
10 agreements providing for the interchange, use or possession
11 of intermodal chassis or other intermodal equipment."

12 Section 2. APPLICABILITY.--The provisions of this act
13 are applicable to motor carrier transportation contracts
14 entered into or renewed on or after July 1, 2009. _____

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