

HB3832



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB3832

Introduced 2/25/2009, by Rep. Frank J. Mautino

SYNOPSIS AS INTRODUCED:

625 ILCS 5/18c-4105 new

Amends the Illinois Vehicle Code. Provides that notwithstanding any other provision of law, 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 promisee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the promisee is against the public policy of this State and is void and unenforceable. Defines "motor carrier transportation contract" and "promisee". Effective immediately.

LRB096 07370 AJT 17456 b

A BILL FOR

1 AN ACT concerning transportation.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Vehicle Code is amended by adding
5 Section 18c-4105 as follows:

6 (625 ILCS 5/18c-4105 new)

7 Sec. 18c-4105. Indemnity agreement in motor carrier
8 transportation contracts void.

9 (a) Notwithstanding any other provision of law, a
10 provision, clause, covenant, or agreement contained in,
11 collateral to, or affecting a motor carrier transportation
12 contract that purports to indemnify, defend or hold harmless,
13 or has the effect of indemnifying, defending or holding
14 harmless, the promisee from or against any liability for loss
15 or damage resulting from the negligence or intentional acts or
16 omissions of the promisee is against the public policy of this
17 State and is void and unenforceable.

18 (b) As used in this Section:

19 (1) "Motor carrier transportation contract" means a
20 contract, agreement or understanding covering:

21 (A) The transportation of property for
22 compensation or hire by the motor carrier;

23 (B) Entrance on property by the motor carrier for

1 the purpose of loading, unloading, or transporting
2 property for compensation or hire; or

3 (C) A service incidental to activity described in
4 (i) or (ii) above, including, but not limited to,
5 storage of property.

6 (2) "Promisee" means the promisee and any agents,
7 employees, servants, or independent contractors who are
8 directly responsible to the promisee except for motor
9 carriers party to a motor carrier transportation contract
10 with promisee, and such motor carrier's agents, employees,
11 servants or independent contractors directly responsible
12 to the motor carrier.

13 Section 99. Effective date. This Act takes effect upon
14 becoming law.