

HB1193_L.002

HOUSE COMMITTEE OF REFERENCE REPORT

 Chairman of Committee

 Date
Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB09-1193 be amended as follows:

1 Amend printed bill, strike everything below the enacting clause and
2 substitute the following:

3 "SECTION 1. 13-21-111.5, Colorado Revised Statutes, is
4 amended BY THE ADDITION OF A NEW SUBSECTION to read:

5 **13-21-111.5. Civil liability cases - pro rata liability of**
6 **defendants - shifting financial responsibility for negligence in**
7 **construction agreements or motor carrier transportation contracts -**
8 **definitions. (7) (a) NOTWITHSTANDING ANY OTHER PROVISION OF THE**
9 **LAW TO THE CONTRARY, ANY PROVISION, CLAUSE, COVENANT, OR**
10 **AGREEMENT CONTAINED IN, COLLATERAL TO, OR AFFECTING A MOTOR**
11 **CARRIER TRANSPORTATION CONTRACT THAT PURPORTS TO INDEMNIFY,**
12 **DEFEND, OR HOLD HARMLESS, OR THAT HAS THE EFFECT OF INDEMNIFYING,**
13 **DEFENDING, OR HOLDING HARMLESS, THE INDEMNITEE FROM OR AGAINST**
14 **ANY LIABILITY FOR LOSS OR DAMAGE RESULTING FROM THE INDEMNITEE'S**
15 **OWN NEGLIGENCE OR INTENTIONAL ACTS IS AGAINST THE PUBLIC POLICY OF**
16 **THIS STATE AND IS VOID AND UNENFORCEABLE.**

17 (b) AS USED IN THIS SUBSECTION (7), UNLESS THE CONTEXT
18 OTHERWISE REQUIRES, "MOTOR CARRIER TRANSPORTATION CONTRACT"
19 MEANS A CONTRACT, AGREEMENT, OR UNDERSTANDING REGARDING:

20 (I) THE TRANSPORTATION OF PROPERTY FOR COMPENSATION OR
21 HIRE;



1 (II) THE ENTRANCE ON PROPERTY FOR THE PURPOSE OF LOADING,
2 UNLOADING, OR TRANSPORTING PROPERTY FOR COMPENSATION OR HIRE; OR

3 (III) A SERVICE INCIDENTAL TO ANY ACTIVITY DESCRIBED IN
4 SUBPARAGRAPHS (I) OR (II) OF THIS PARAGRAPH (b), INCLUDING BUT NOT
5 LIMITED TO STORAGE OF PROPERTY.

6 (c) THIS SUBSECTION (7) SHALL NOT APPLY TO A CONTRACT,
7 SUBCONTRACT, OR AGREEMENT THAT CONCERNS OR AFFECTS
8 TRANSPORTATION INVOLVING A RAILROAD.

9 **SECTION 2. Effective date - applicability.** This act shall take
10 effect July 1, 2009, and shall apply to motor carrier transportation
11 contracts entered into or renewed on or after said date.

12 **SECTION 3. Safety clause.** The general assembly hereby finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, and safety."

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