

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 14-0475.01 Duane Gall x4335

HOUSE BILL 14-1065

HOUSE SPONSORSHIP

Moreno, Priola

SENATE SPONSORSHIP

Hodge, Steadman, Tochtrop

House Committees

Transportation & Energy

Senate Committees

A BILL FOR AN ACT

101 CONCERNING LIMITS ON INDEMNIFICATION PROVISIONS IN MOTOR
102 CARRIER TRANSPORTATION CONTRACTS.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills summaries>.)

The bill prohibits a party to a contract for the transportation of property, including provisions relating to the loading or unloading of cargo or the entry to premises for the purpose of loading or unloading cargo, from requiring indemnity for any liability resulting from the party's own negligent or intentional acts.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 40-10.1-101, **add**
3 (22) as follows:

4 **40-10.1-101. Definitions.** As used in this article, unless the
5 context otherwise requires:

6 (22) (a) "TRANSPORTATION CONTRACT" MEANS A CONTRACT,
7 AGREEMENT, OR UNDERSTANDING BETWEEN A MOTOR CARRIER AND
8 ANOTHER PARTY REGARDING:

9 (I) THE TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE FOR
10 COMPENSATION OR HIRE;

11 (II) ENTRANCE ON PROPERTY FOR THE PURPOSE OF LOADING,
12 UNLOADING, OR TRANSPORTING PROPERTY BY MOTOR VEHICLE FOR
13 COMPENSATION OR HIRE; OR

14 (III) ACCESS OR SERVICES INCIDENTAL OR RELATED TO AN
15 ACTIVITY DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH
16 (a).

17 (b) "TRANSPORTATION CONTRACT" DOES NOT INCLUDE:

18 (I) A CONTRACT, SUBCONTRACT, OR AGREEMENT THAT CONCERNS
19 OR AFFECTS TRANSPORTATION INVOLVING A RAILROAD;

20 (II) THE UNIFORM INTERMODAL INTERCHANGE AND FACILITIES
21 ACCESS AGREEMENT ADMINISTERED BY THE INTERMODAL ASSOCIATION OF
22 NORTH AMERICA; OR

23 (III) ANY OTHER AGREEMENT PROVIDING FOR THE INTERCHANGE,
24 USE, OR POSSESSION OF AN INTERMODAL CHASSIS OR CONTAINER OR OTHER
25 INTERMODAL EQUIPMENT.

26 **SECTION 2.** In Colorado Revised Statutes, **add** 40-10.1-107.5

1 as follows:

2 **40-10.1-107.5. Motor carrier indemnity agreements void.**

3 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY PROVISION OF
4 A TRANSPORTATION CONTRACT PURPORTS TO INDEMNIFY, DEFEND, OR
5 HOLD HARMLESS OR HAS THE EFFECT OF INDEMNIFYING, DEFENDING, OR
6 HOLDING HARMLESS THE INDEMNITEE FROM OR AGAINST ANY LIABILITY
7 FOR LOSS OR DAMAGE RESULTING FROM ITS OWN NEGLIGENCE OR
8 INTENTIONAL ACTS OR OMISSIONS, THEN, TO THAT EXTENT, THE PROVISION
9 IS HEREBY DECLARED CONTRARY TO PUBLIC POLICY AND IS THEREFORE
10 VOID.

11 **SECTION 3. Act subject to petition - effective date.** This act
12 takes effect at 12:01 a.m. on the day following the expiration of the
13 ninety-day period after final adjournment of the general assembly (August
14 6, 2014, if adjournment sine die is on May 7, 2014); except that, if a
15 referendum petition is filed pursuant to section 1 (3) of article V of the
16 state constitution against this act or an item, section, or part of this act
17 within such period, then the act, item, section, or part will not take effect
18 unless approved by the people at the general election to be held in
19 November 2014 and, in such case, will take effect on the date of the
20 official declaration of the vote thereon by the governor.