

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2375 Session of 2010

INTRODUCED BY LONGIETTI, M. KELLER, MARKOSEK, GEIST, CALTAGIRONE, HARKINS, HARPER, HESS, HICKERNELL, KOTIK, MARSHALL, MARSICO, MILLER, PETRARCA, SAINATO, SOLOBAY, WATSON, YOUNGBLOOD, MURT, MELIO, PASHINSKI AND KORTZ, MARCH 25, 2010

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 21, 2010

AN ACT

1 Amending Title 74 (Transportation) of the Pennsylvania
2 Consolidated Statutes, proscribing indemnity agreements in
3 motor carrier transportation contracts.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 74 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 84

9 MOTOR CARRIERS

10 Sec.

11 8401. Definitions.

12 8402. Indemnity provisions void.

13 § 8401. Definitions.

14 The following words and phrases when used in this chapter
15 shall have the meanings given to them in this section unless the
16 context clearly indicates otherwise:

1 "Common carrier by motor vehicle." As defined in 66 Pa.C.S.
2 § 102 (relating to definitions).

3 "Contract carrier by motor vehicle." As defined in 66
4 Pa.C.S. § 2501(b) (relating to definitions).

5 "Indemnity provision." A provision which:

6 (1) is contained in, is collateral to or affects a motor
7 carrier transportation contract; and

8 (2) indemnifies or attempts to indemnify the promisee
9 against liability for loss or damage resulting from
10 intentional, reckless or negligent acts or omissions.

11 "Motor carrier." As defined in 66 Pa.C.S. § 102 (relating to
12 definitions).

13 "Motor carrier transportation contract." Any contract,
14 agreement or understanding covering any of the following:

15 (1) Transportation of property for compensation by a
16 motor carrier.

17 (2) Entrance on property by a motor carrier for the
18 purpose of loading, unloading or transporting property for
19 compensation.

20 (3) Service incidental to activity described in
21 paragraph (1) or (2). This paragraph includes storage of
22 property.

23 The term does not include the Uniform Intermodal Interchange and
24 Facilities Access Agreement administered by the Intermodal
25 Association of North America or other agreements providing for
26 the interchange, use or possession of intermodal chassis,
27 containers or other intermodal equipment.

28 "Promisee." A person that receives a promise under a motor
29 carrier transportation contract. The term includes any agent,
30 employee or independent contractor that is directly responsible

1 to the promisee. The term excludes a motor carrier.

2 § 8402. Indemnity provisions void.

3 (a) Public policy.--The General Assembly finds and declares
4 that, except as set forth in subsection (c), indemnity
5 provisions are against the public policy of the Commonwealth.

6 (b) Effect.--Except as set forth in subsection (c), an
7 indemnity provision is void.

8 (c) Exception.--This section shall not apply to a contract
9 or agreement which concerns or affects transportation involving
10 a railroad.

11 Section 2. The addition of 74 Pa.C.S. § 8402 shall apply to
12 contracts entered into ~~or renewed~~ on or after the effective date ←
13 of this section.

14 Section 3. This act shall take effect in 60 days.