

HOUSE BILL NO. 366

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE JOHNSON

Introduced: 2/23/10

Referred: Transportation, Judiciary

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to indemnification agreements that relate to motor carrier**
2 **transportation contracts."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 *** Section 1.** AS 45.45 is amended by adding a new section to read:

5 **Sec. 45.45.905. Indemnification by motor carrier prohibited.** (a) A motor
6 carrier and a shipping person may not, with regard to a transportation services
7 contract, agree that the motor carrier will indemnify, defend, or hold the shipping
8 person harmless, or agree to a provision that has the effect of indemnifying, defending,
9 or holding a shipping person harmless, from claims or liability for the negligence,
10 intentional acts, or intentional omissions of the shipping person.

11 (b) An agreement that violates (a) of this section is against public policy and is
12 void and unenforceable.

13 (c) In this section,

14 (1) "motor carrier" means a person who is engaged in the

1 transportation of property for compensation by motor vehicle, and includes an agent,
2 employee, servant, or independent contractor of the motor carrier;

3 (2) "motor vehicle" has the meaning given in AS 28.90.990, except
4 that the motor vehicle must have a gross weight rating or gross combination weight
5 rating that is greater than 10,000 pounds;

6 (3) "shipping person" means a person who enters into a transportation
7 services contract to use the services of a motor carrier, and includes an agent,
8 employee, servant, or independent contractor of the shipping person;

9 (4) "transportation services" means

10 (A) the transportation of property;

11 (B) entry on property to load, unload, or transport property; or

12 (C) providing a service, including the storage of property,
13 incidental to (A) or (B) of this paragraph.

14 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
15 read:

16 **APPLICABILITY.** This Act does not apply to an agreement to indemnify, defend, or
17 hold a shipping person harmless unless the agreement is entered into on or after the effective
18 date of this Act. In this section, "shipping person" has the meaning given in AS 45.45.905.