

AN ACT

ENTITLED, An Act to prohibit certain indemnity provisions in motor carrier transportation contracts.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. Terms used in this Act mean:

- (1) "Affiliate," any employee or agent of a promisee, or any independent contractor who is directly responsible to a promisee other than a motor carrier that is a party to a motor carrier transportation contract with the promisee or an employee or agent of such motor carrier or an independent contractor directly responsible to such motor carrier;
- (2) "Motor carrier transportation contract," a contract or agreement between a motor carrier and a promisee covering the transportation of property for hire by the motor carrier; the motor carrier's entrance on property for the purpose of loading, unloading, or transporting property for hire; or any service of the motor carrier that is incidental to these activities, including the storage of property;
- (3) "Promisee," any person who enters into a motor carrier transportation contract with a motor carrier.

Section 2. Notwithstanding any other law, no provision of a motor carrier transportation contract, and no covenant or agreement collateral to or affecting a motor carrier transportation contract, may require the motor carrier to indemnify, hold harmless, or defend the promisee or affiliate, or have the effect of indemnifying, holding harmless, or defending the promisee or affiliate from or against any liability for loss or damage resulting from the negligence, intentional acts, or omissions of the promisee or affiliate. Any provision of any contract or agreement entered into after the effective date of this Act that violates this Act is void and unenforceable.

Section 3. This Act does not apply to the Uniform Intermodal Interchange and Facilities Access

Agreement administered by the Intermodal Association of North America or any other agreement providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1073

Chief Clerk
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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1073

File No. _____

Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor
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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor
=====

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State