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SB 492
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CLYDE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2006



ENROLLED

Committee Substitute for Committee Substitute for

SENATE BILL NO. 492

(By Senator Bailey)



PASSED March 10, 2006

In Effect July 1, 2006 ~~Passage~~

FILED

2006 APR -5 P 6: 24

OFFICE WEST VIRGINIA
SECRETARY OF STATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 492

(By SENATOR BAILEY, *original sponsor*)

[Passed March 10, 2006; to take effect July 1, 2006.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §24A-6-7, relating to providing that indemnity agreements in motor carrier transportation contracts are void and unenforceable as against public policy; and effective date.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §24A-6-7, to read as follows:

ARTICLE 6. DUTIES AND PRIVILEGES OF MOTOR CARRIERS SUBJECT TO REGULATION OF THE COMMISSION.

§24A-6-7. Indemnity agreement in motor carrier transportation contracts void.

1 (a) Notwithstanding any provision of law to the con-
2 trary, a provision, clause, covenant or agreement contained
3 in, collateral to or affecting a motor carrier transportation
4 contract entered into on or after the first day of July, two
5 thousand six, that purports to indemnify, defend or hold
6 harmless, or has the effect of indemnifying, defending or
7 holding harmless, the promisee from or against any
8 liability for loss or damage resulting from the negligence
9 or intentional acts or omissions of the promisee is against
10 the public policy of this state and is void and unenforce-
11 able.

12 (b) In this section:

13 (1) "Motor carrier transportation contract" means a
14 contract, agreement or understanding covering:

15 (A) The transportation of property for compensation or
16 hire by the motor carrier;

17 (B) Entrance on property by the motor carrier for the
18 purpose of loading, unloading or transporting property for
19 compensation or hire; or

20 (C) A service incidental to activity described in para-
21 graph (A) or (B), including, but not limited to, storage of
22 property.

23 (2) "Promisee" means the promisee and any agents,
24 employees, servants or independent contractors who are
25 directly responsible to the promisee except for motor
26 carriers party to a motor carrier transportation contract
27 with promisee and such motor carrier's agents, employees,
28 servants or independent contractors directly responsible to
29 such motor carrier.

30 (3) The term "motor carrier transportation contract"
31 shall not include the Uniform Intermodal Interchange and
32 Facilities Access Agreement administered by the

3 [Enr. Com. Sub. for Com. Sub. for S. B. No. 492

33 Intermodal Association of North America, as that agree-
34 ment may be amended by the Intermodal Interchange
35 Executive Committee, or other agreements providing for
36 the interchange, use or possession of intermodal chassis,
37 containers or other intermodal equipment.

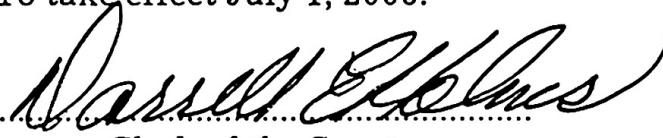
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


.....
Chairman Senate Committee



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Chairman House Committee


Originated in the Senate.

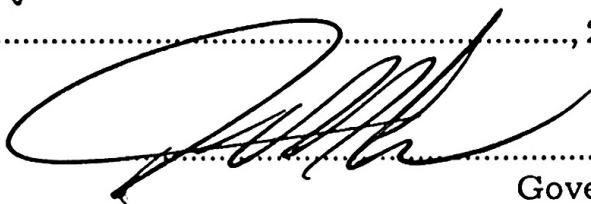
To take effect July 1, 2006.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within *is approved* this the *5th*
Day of *April*, 2006.

.....
Governor

PRESENTED TO THE
GOVERNOR

MAR 3 0 2006

Time 12:15 pm