

SENATE BILL No. 873

December 7, 2011, Introduced by Senators MARLEAU, EMMONS, KOWALL,
CASPERSON, JONES, BRANDENBURG, HANSEN, PAVLOV and NOFS and referred
to the Committee on Transportation.

A bill to amend 1933 PA 254, entitled
"The motor carrier act,"
(MCL 475.1 to 479.43) by adding section 21 to article V.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

ARTICLE V

SEC. 21. (1) A PROVISION, CLAUSE, COVENANT, OR AGREEMENT
CONTAINED IN, COLLATERAL TO, OR AFFECTING A MOTOR CARRIER
TRANSPORTATION CONTRACT THAT PURPORTS TO INDEMNIFY, DEFEND, OR HOLD
HARMLESS, OR HAS THE EFFECT OF INDEMNIFYING, DEFENDING, OR HOLDING
HARMLESS, THE PROMISEE FROM OR AGAINST ANY LIABILITY FOR LOSS OR
DAMAGE RESULTING FROM THE NEGLIGENCE OR INTENTIONAL ACTS OR
OMISSIONS OF THE PROMISEE IS AGAINST THE PUBLIC POLICY OF THIS
STATE AND IS VOID AND UNENFORCEABLE.

(2) THIS SECTION DOES NOT APPLY TO THE UNIFORM INTERMODAL
INTERCHANGE AND FACILITIES ACCESS AGREEMENT ADMINISTERED BY THE

1 INTERMODAL ASSOCIATION OF NORTH AMERICA OR OTHER AGREEMENTS
2 PROVIDING FOR THE INTERCHANGE, USE, OR POSSESSION OF INTERMODAL
3 CHASSIS OR OTHER INTERMODAL EQUIPMENT.

4 (3) AS USED IN THIS SECTION:

5 (A) "MOTOR CARRIER TRANSPORTATION CONTRACT" MEANS A CONTRACT,
6 AGREEMENT, OR UNDERSTANDING FOR ANY OF THE FOLLOWING:

7 (i) THE TRANSPORTATION OF PROPERTY FOR COMPENSATION OR HIRE BY
8 A MOTOR CARRIER.

9 (ii) ENTRANCE ON PROPERTY BY A MOTOR CARRIER FOR THE PURPOSE OF
10 LOADING, UNLOADING, OR TRANSPORTING PROPERTY FOR COMPENSATION OR
11 HIRE.

12 (iii) A SERVICE INCIDENTAL TO ACTIVITY DESCRIBED IN
13 SUBPARAGRAPHS (i) AND (ii), INCLUDING, BUT NOT LIMITED TO, THE
14 STORAGE OF PROPERTY.

15 (B) "PROMISEE" MEANS A PARTY TO A MOTOR CARRIER TRANSPORTATION
16 CONTRACT WHO IS NOT A MOTOR CARRIER OR, IF THE PROMISEE IS A MOTOR
17 CARRIER, A PARTY TO A MOTOR CARRIER TRANSPORTATION CONTRACT WHO IS
18 NOT TRANSPORTING PROPERTY FOR COMPENSATION OR HIRE. PROMISEE
19 INCLUDES AGENTS, EMPLOYEES, SERVANTS, AND INDEPENDENT CONTRACTORS
20 WHO ARE DIRECTLY RESPONSIBLE TO THE PROMISEE.