

THE MOTOR CARRIER ACT (EXCERPT)
Act 254 of 1933

479.21 Motor carrier transportation contract; certain provisions, clauses, covenants, or agreements void and unenforceable; certain agreements exempt; definitions.

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 intermodal association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

(3) As used in this section:

(a) "Motor carrier transportation contract" means a contract, agreement, or understanding for any of the following:

(i) The transportation of property for compensation or hire by a motor carrier.

(ii) Entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire.

(iii) A service incidental to activity described in subparagraphs (i) and (ii), including, but not limited to, the storage of property.

(b) "Promisee" means a party to a motor carrier transportation contract who is not a motor carrier or, if the promisee is a motor carrier, a party to a motor carrier transportation contract who is not transporting property for compensation or hire. Promisee includes agents, employees, servants, and independent contractors who are directly responsible to the promisee.

History: Add. 2012, Act 480, Eff. Mar. 28, 2013.