

CHAPTER 63

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 14-1065

BY REPRESENTATIVE(S) Moreno, Priola, Fields, Labuda, Salazar, Schafer;
also SENATOR(S) Hodge, Steadman, Tochtrop, Guzman, Heath, Herpin, Kefalas, Rivera, Todd.

AN ACT**CONCERNING LIMITS ON INDEMNIFICATION PROVISIONS IN MOTOR CARRIER TRANSPORTATION CONTRACTS.**

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 42-7-103, **add** (16) as follows:

42-7-103. Definitions. As used in this article, unless the context otherwise requires:

(16) (a) "TRANSPORTATION CONTRACT" MEANS A CONTRACT, AGREEMENT, OR UNDERSTANDING, WHETHER WRITTEN OR ORAL, EXPRESS OR IMPLIED, BETWEEN A MOTOR CARRIER AND ANOTHER PARTY REGARDING:

(I) THE TRANSPORTATION OF PROPERTY BY MOTOR VEHICLE FOR COMPENSATION OR HIRE;

(II) ENTRANCE ON PROPERTY FOR THE PURPOSE OF LOADING, UNLOADING, OR TRANSPORTING PROPERTY BY MOTOR VEHICLE FOR COMPENSATION OR HIRE; OR

(III) ACCESS OR SERVICES INCIDENTAL OR RELATED TO AN ACTIVITY DESCRIBED IN SUBPARAGRAPH (I) OR (II) OF THIS PARAGRAPH (a).

(b) "TRANSPORTATION CONTRACT" DOES NOT INCLUDE:

(I) A CONTRACT, SUBCONTRACT, OR AGREEMENT THAT CONCERNS OR AFFECTS TRANSPORTATION INVOLVING A RAILROAD;

(II) THE UNIFORM INTERMODAL INTERCHANGE AND FACILITIES ACCESS

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

AGREEMENT ADMINISTERED BY THE INTERMODAL ASSOCIATION OF NORTH AMERICA;
OR

(III) ANY OTHER AGREEMENT PROVIDING FOR THE INTERCHANGE, USE, OR POSSESSION OF AN INTERMODAL CHASSIS OR CONTAINER OR OTHER INTERMODAL EQUIPMENT.

SECTION 2. In Colorado Revised Statutes, **add** 42-7-505.5 as follows:

42-7-505.5. Motor carrier indemnity agreements void - choice of law for transportation contracts. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF ANY PROVISION OF A TRANSPORTATION CONTRACT PURPORTS TO INDEMNIFY, DEFEND, OR HOLD HARMLESS OR HAS THE EFFECT OF INDEMNIFYING, DEFENDING, OR HOLDING HARMLESS THE INDEMNITEE FROM OR AGAINST ANY LIABILITY FOR LOSS OR DAMAGE RESULTING FROM ITS OWN NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS, THEN, TO THAT EXTENT, THE PROVISION IS HEREBY DECLARED CONTRARY TO PUBLIC POLICY AND IS THEREFORE VOID.

(2) NOTWITHSTANDING ANY CONTRACTUAL PROVISION TO THE CONTRARY, THE LAWS OF THE STATE OF COLORADO APPLY TO EVERY TRANSPORTATION CONTRACT EXECUTED OR RENEWED, OR UNDER WHICH SERVICES ARE PERFORMED, WITHIN THE STATE OF COLORADO.

SECTION 3. Effective date - applicability. This act takes effect on passage and applies to contracts executed or renewed on or after the effective date of this act.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 24, 2014