

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 14-0475.01 Duane Gall x4335

HOUSE BILL 14-1065

HOUSE SPONSORSHIP

Moreno, Priola

SENATE SPONSORSHIP

Hodge, Steadman, Tochtrop

House Committees
Transportation & Energy

Senate Committees
Transportation

A BILL FOR AN ACT

101 **CONCERNING LIMITS ON INDEMNIFICATION PROVISIONS IN MOTOR**
102 **CARRIER TRANSPORTATION CONTRACTS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

The bill prohibits a party to a contract for the transportation of property, including provisions relating to the loading or unloading of cargo or the entry to premises for the purpose of loading or unloading cargo, from requiring indemnity for any liability resulting from the party's own negligent or intentional acts.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
2nd Reading Unamended
March 4, 2014

HOUSE
3rd Reading Unamended
February 12, 2014

HOUSE
Amended 2nd Reading
February 11, 2014

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

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

4 **42-7-103. Definitions.** As used in this article, unless the context
5 otherwise requires:

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

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

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

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

18 (b) "TRANSPORTATION CONTRACT" DOES NOT INCLUDE:

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

21 (II) THE UNIFORM INTERMODAL INTERCHANGE AND FACILITIES
22 ACCESS AGREEMENT ADMINISTERED BY THE INTERMODAL ASSOCIATION OF
23 NORTH AMERICA; OR

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

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

3 **42-7-505.5. Motor carrier indemnity agreements void - choice**
4 **of law for transportation contracts.** (1) NOTWITHSTANDING ANY OTHER
5 PROVISION OF LAW, IF ANY PROVISION OF A TRANSPORTATION CONTRACT
6 PURPORTS TO INDEMNIFY, DEFEND, OR HOLD HARMLESS OR HAS THE
7 EFFECT OF INDEMNIFYING, DEFENDING, OR HOLDING HARMLESS THE
8 INDEMNITEE FROM OR AGAINST ANY LIABILITY FOR LOSS OR DAMAGE
9 RESULTING FROM ITS OWN NEGLIGENCE OR INTENTIONAL ACTS OR
10 OMISSIONS, THEN, TO THAT EXTENT, THE PROVISION IS HEREBY DECLARED
11 CONTRARY TO PUBLIC POLICY AND IS THEREFORE VOID.

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

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

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