

As Reported by the House Judiciary Committee

131st General Assembly

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H. B. No. 71

Representative Roegner

Cosponsors: Representatives Blessing, Green, Sears, Derickson, Schaffer,
Boose, Bishoff, Stinziano, Dever

A BILL

To enact section 2305.52 of the Revised Code to
prohibit certain indemnity agreements in motor
vehicle carrier transportation contracts. 1
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2305.52 of the Revised Code be
enacted to read as follows: 4
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Sec. 2305.52. (A) Except as provided in division (B) of
this section, 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 void as against public policy. 6
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(B) This section does not apply to the uniform 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. 14
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<u>(C) For purposes of this section:</u>	19
<u>(1) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code.</u>	20 21
<u>(2) "Motor carrier transportation contract" means a contract, agreement, or understanding covering any of the following:</u>	22 23 24
<u>(a) The transportation of property for compensation or hire by a motor carrier;</u>	25 26
<u>(b) Entrance onto property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire;</u>	27 28 29
<u>(c) A service incidental to an activity described in division (C) (2) (a) or (b) of this section.</u>	30 31
<u>(3) "Promisee" means the person who enters into a motor carrier transportation contract with a motor carrier. "Promisee" includes any agent, employee, servant, or independent contractor who is directly responsible to the promisee. "Promisee" does not include a motor carrier who is a party to a motor carrier transportation contract with the promisee, and that motor carrier's agents, employees, servants, or independent contractors directly responsible to that motor carrier.</u>	32 33 34 35 36 37 38 39