

As Passed by the Senate

131st General Assembly

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H. B. No. 71

Representative Roegner

Cosponsors: Representatives Blessing, Green, Sears, Derickson, Schaffer, Boose, Bishoff, Stinziano, Dever, Amstutz, Anielski, Brenner, Buchy, Burkley, Conditt, Dovilla, Henne, Kraus, McColley, Retherford, Schuring, Smith, R., Terhar, Young, Speaker Rosenberger

Senators Bacon, Burke, Hottinger, Jones, Oelslager, Patton, Schiavoni, Seitz, Tavares, Thomas

A BILL

To enact section 2305.52 of the Revised Code to 1
prohibit certain indemnity agreements in motor 2
vehicle carrier transportation contracts. 3

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 2305.52 of the Revised Code be 4
enacted to read as follows: 5

Sec. 2305.52. (A) Except as provided in division (B) of 6
this section, a provision, clause, covenant, or agreement 7
contained in, collateral to, or affecting a motor carrier 8
transportation contract that purports to indemnify, defend, or 9
hold harmless, or has the effect of indemnifying, defending, or 10
holding harmless, the promisee from or against any liability for 11
loss or damage resulting from the negligence or intentional acts 12
or omissions of the promisee is void as against public policy. 13

(B) This section does not apply to the uniform interchange 14

and facilities access agreement, administered by the intermodal 15
association of North America or other agreements providing for 16
the interchange, use, or possession of intermodal chassis or 17
other intermodal equipment. 18

(C) For purposes of this section: 19

(1) "Motor carrier" has the same meaning as in section 20
4923.01 of the Revised Code. 21

(2) "Motor carrier transportation contract" means a 22
contract, agreement, or understanding covering any of the 23
following: 24

(a) The transportation of property for compensation or 25
hire by a motor carrier; 26

(b) Entrance onto property by a motor carrier for the 27
purpose of loading, unloading, or transporting property for 28
compensation or hire; 29

(c) A service incidental to an activity described in 30
division (C)(2)(a) or (b) of this section. 31

(3) "Promisee" means the person who enters into a motor 32
carrier transportation contract with a motor carrier. "Promisee" 33
includes any agent, employee, servant, or independent contractor 34
who is directly responsible to the promisee. "Promisee" does not 35
include a motor carrier who is a party to a motor carrier 36
transportation contract with the promisee, and that motor 37
carrier's agents, employees, servants, or independent 38
contractors directly responsible to that motor carrier. 39