



CHESTER J. CULVER
GOVERNOR

OFFICE OF THE GOVERNOR

PATTY JUDGE
LT. GOVERNOR

April 23, 2010

The Honorable Michael Mauro
Secretary of State
State Capitol Building
LOCAL

Dear Mr. Secretary:

I hereby transmit:

Senate File 2220, an Act relating to the contents of certain motor carrier transportation contracts by declaring certain indemnity provisions to be unlawful and void.

The above Senate File is hereby approved this date.

Sincerely,

A handwritten signature in black ink, appearing to read "Chester J. Culver", written in a cursive style.

Chester J. Culver
Governor

CJC:bdj

cc: Secretary of the Senate
Chief Clerk of the House





Senate File 2220

AN ACT
RELATING TO THE CONTENTS OF CERTAIN MOTOR CARRIER
TRANSPORTATION CONTRACTS BY DECLARING CERTAIN INDEMNITY
PROVISIONS TO BE UNLAWFUL AND VOID.

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

Section 1. NEW SECTION. 325B.1 Contents of motor carrier transportation contracts — certain provisions void.

1. As used in this section:

a. "Motor carrier" means the same as defined in section 325A.1.

b. "Motor carrier transportation contract" means a contract, agreement, or understanding related to any of the following:

(1) The transportation for hire of property by a motor carrier.

(2) The entrance upon property by a motor carrier for the purpose of loading, unloading, or transporting property for transportation for hire.

(3) A service incidental to the activities described in subparagraph (1) or (2), including but not limited to the storage of property.

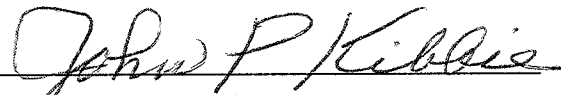
c. "Transportation for hire" means the same as defined in section 325A.1.

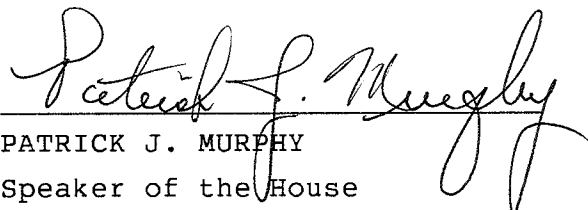
2. Notwithstanding any provision of law to the contrary, a motor carrier transportation contract, whether express or implied, shall not contain a provision, clause, covenant, or agreement that purports to indemnify, defend, or hold harmless, or has the effect of indemnifying, defending, or holding harmless, a promisee from or against any liability for injury, death, loss, or damage resulting from the negligence or intentional acts or omissions of that promisee, or any

agents, employees, servants, or independent contractors who are directly responsible to that promisee. This prohibition applies to any provisions or agreements collateral to or affecting a motor carrier transportation contract. Any such provisions, clauses, covenants, or agreements are void and unenforceable. If any provision, clause, covenant, or agreement is deemed void and unenforceable under this section, the remaining provisions of the motor carrier transportation contract are severable and shall be enforceable unless otherwise prohibited by law.


3. This section does not apply to the uniform intermodal interchange and facilities access agreement administered by the intermodal association of north America, as amended, or other contracts or agreements providing for the interchange, use, or possession of intermodal chassis or other intermodal equipment.

4. This section applies to motor carrier transportation contracts entered into, extended, or renewed on or after July 1, 2010.



JOHN P. KIBBIE
President of the Senate


PATRICK J. MURPHY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2220, Eighty-third General Assembly.


MICHAEL E. MARSHALL
Secretary of the Senate

Approved April 23rd, 2010


CHESTER J. CULVER
Governor