

~~(H)~~ A. THE TRANSPORTATION OF PROPERTY FOR COMPENSATION OR HIRE BY A MOTOR CARRIER;

~~(HH)~~ B. THE ENTRANCE ON PROPERTY BY A MOTOR CARRIER FOR THE PURPOSE OF LOADING, UNLOADING, OR TRANSPORTING PROPERTY FOR COMPENSATION OR HIRE; OR

~~(HH)~~ C. A SERVICE INCIDENTAL TO AN ACTIVITY DESCRIBED IN ITEM (I) OR (II) OF THIS PARAGRAPH, INCLUDING STORAGE OF PROPERTY.

2. "MOTOR CARRIER TRANSPORTATION CONTRACT"

DOES NOT INCLUDE:

A. THE UNIFORM INTERMODAL INTERCHANGE AND FACILITIES ACCESS AGREEMENT ADMINISTERED BY THE INTERMODAL ASSOCIATION OF NORTH AMERICA, AS AMENDED BY THE INTERMODAL INTERCHANGE EXECUTIVE COMMITTEE; OR

B. OTHER AGREEMENTS PROVIDING FOR THE INTERCHANGE, USE, OR POSSESSION OF INTERMODAL CHASSIS, CONTAINERS, OR OTHER INTERMODAL EQUIPMENT.

~~(4)~~ (IV) "PROMISEE" INCLUDES AN AGENT, EMPLOYEE, SERVANT, OR INDEPENDENT CONTRACTOR WHO IS DIRECTLY RESPONSIBLE TO THE PROMISEE, OTHER THAN A MOTOR CARRIER THAT IS A PARTY TO A MOTOR CARRIER TRANSPORTATION CONTRACT WITH THE PROMISEE, AND AN AGENT, EMPLOYEE, SERVANT, OR INDEPENDENT CONTRACTOR DIRECTLY RESPONSIBLE TO THAT MOTOR CARRIER.

~~(5)~~ (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, 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 AGAINST LIABILITY FOR LOSS OR DAMAGE RESULTING FROM THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF THE PROMISEE IS AGAINST PUBLIC POLICY AND IS VOID AND UNENFORCEABLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.