

**As Passed by the House**

**131st General Assembly**

**Regular Session**

**2015-2016**

**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**

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**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

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| <u>the interchange, use, or possession of intermodal chassis or</u>     | 17 |
| <u>other intermodal equipment.</u>                                      | 18 |
| <u>(C) For purposes of this section:</u>                                | 19 |
| <u>(1) "Motor carrier" has the same meaning as in section</u>           | 20 |
| <u>4923.01 of the Revised Code.</u>                                     | 21 |
| <u>(2) "Motor carrier transportation contract" means a</u>              | 22 |
| <u>contract, agreement, or understanding covering any of the</u>        | 23 |
| <u>following:</u>   | 24 |
| <u>(a) The transportation of property for compensation or</u>           | 25 |
| <u>hire by a motor carrier;</u>   | 26 |
| <u>(b) Entrance onto property by a motor carrier for the</u>            | 27 |
| <u>purpose of loading, unloading, or transporting property for</u>      | 28 |
| <u>compensation or hire;</u>  | 29 |
| <u>(c) A service incidental to an activity described in</u>             | 30 |
| <u>division (C)(2)(a) or (b) of this section.</u>                       | 31 |
| <u>(3) "Promisee" means the person who enters into a motor</u>          | 32 |
| <u>carrier transportation contract with a motor carrier. "Promisee"</u> | 33 |
| <u>includes any agent, employee, servant, or independent contractor</u> | 34 |
| <u>who is directly responsible to the promisee. "Promisee" does not</u> | 35 |
| <u>include a motor carrier who is a party to a motor carrier</u>        | 36 |
| <u>transportation contract with the promisee, and that motor</u>        | 37 |
| <u>carrier's agents, employees, servants, or independent</u>            | 38 |
| <u>contractors directly responsible to that motor carrier.</u>          | 39 |