

## Session 116 - (2005-2006)

**S\*0106 (Rat #0036, Act #0035 of 2005) General Bill, By Ryberg, Leatherman, Land, Alexander, Cromer, Grooms, Hayes, Matthews, Mescher, Reese, Knotts, Elliott and Richardson**

***Similar (H 3030, H 3173)***

**Summary:** Motor carrier transportation contract that holds promisee harmless from liability is unenforceable

AN ACT TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-23-110 SO AS TO PROVIDE THAT A PROVISION, CLAUSE, COVENANT, OR AGREEMENT CONTAINED IN, COLLATERAL TO, OR AFFECTING A MOTOR CARRIER TRANSPORTATION CONTRACT THAT INDEMNIFIES, DEFENDS, OR HOLDS HARMLESS THE CONTRACT'S PROMISEE FROM OR AGAINST LIABILITY FOR LOSS OR DAMAGE RESULTING FROM THE NEGLIGENCE OR INTENTIONAL ACTS OR OMISSIONS OF THE CONTRACT'S PROMISEE, OR ANY AGENTS, EMPLOYEES, SERVANTS, OR INDEPENDENT CONTRACTORS WHO ARE DIRECTLY RESPONSIBLE TO THE CONTRACT'S PROMISEE IS UNENFORCEABLE, TO DEFINE THE TERM "MOTOR CARRIER TRANSPORTATION CONTRACT", TO PROVIDE THAT THIS SECTION DOES NOT AFFECT A PROVISION, CLAUSE, COVENANT, OR AGREEMENT WHERE THE MOTOR CARRIER INDEMNIFIES OR HOLDS HARMLESS THE CONTRACT'S PROMISEE UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE THAT A "MOTOR CARRIER TRANSPORTATION CONTRACT" SHALL NOT INCLUDE THE UNIFORM INTERMODAL INTERCHANGE AND FACILITIES ACCESS AGREEMENT ADMINISTERED BY THE INTERMODAL ASSOCIATION OF NORTH AMERICA. - ratified title

12/15/04	Senate	Prefiled
12/15/04	Senate	Referred to Committee on Transportation
01/11/05	Senate	Introduced and read first time SJ-136
01/11/05	Senate	Referred to Committee on Transportation SJ-136
02/02/05	Senate	Committee report: Favorable with amendment Transportation SJ-25
02/03/05	Senate	Amended SJ-12
02/03/05	Senate	Read second time SJ-12
02/04/05		Scrivener's error corrected
02/08/05	Senate	Amended SJ-24
02/08/05	Senate	Read third time and sent to House SJ-24
02/09/05	House	Introduced and read first time HJ-9
02/09/05	House	Referred to Committee on Judiciary HJ-10
04/06/05	House	Committee report: Favorable Judiciary HJ-37
04/07/05	House	Read second time HJ-12
04/07/05	House	Unanimous consent for third reading on next legislative day HJ-13
04/08/05	House	Read third time and enrolled HJ-2
04/12/05		Ratified R 36
04/19/05		Became law without Governor's signature
04/21/05		Copies available
04/21/05		Effective date 04/19/05
04/25/05		Act No. 35