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**