

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 11-4.5, relating to the validity of
3 indemnification provisions in motor carrier transportation contracts.

4 [H 701]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 11-4.5, as follows:**8 *§ 11-4.5. Certain indemnification provisions in motor carrier transportation contracts declared void.*9 *A. As used in this section:*10 *"Motor carrier transportation contract" means a contract, agreement, or understanding covering:*11 *1. The transportation of property for compensation or hire by the motor carrier;*12 *2. The entrance on property by the motor carrier for the purpose of loading, unloading, or*
13 *transporting property for compensation or for hire; or*14 *3. A service incidental to activity described in subdivision 1 or 2 including, but not limited to,*
15 *storage of property.*16 *For the purposes of this section, the term "motor carrier transportation contract" shall not include*
17 *the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal*
18 *Association of North America, as that agreement may be amended by the Intermodal Interchange*
19 *Executive Committee, or other agreements providing for the interchange, use or possession of*
20 *intermodal chassis, containers or other intermodal equipment.*21 *B. A provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor*
22 *carrier transportation contract that purports to indemnify, or hold harmless, or has the effect of*
23 *indemnifying, or holding harmless, either party from or against any liability for loss or damage*
24 *resulting from the negligence or intentional acts or omissions of other party, or any agents, employees,*
25 *servants, or independent contractors who are directly responsible to the other party, is against the*
26 *public policy and is void and unenforceable.*27 *C. Nothing contained in this section affects a provision, clause, covenant, or agreement where the*
28 *motor carrier indemnifies or holds harmless the other party against liability for damages to the extent*
29 *that the damages were caused by and resulting from the negligence of the motor carrier, its agents,*
30 *employees, servants, or independent contractors who, in whole or in part are directly responsible to the*
31 *motor carrier.*

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