



## 2011 SENATE BILL 41

1 AN ACT *to create* 194.53 of the statutes; **relating to:** agreements relating to  
2 motor carrier liability.

---

*Analysis by the Legislative Reference Bureau*

---

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

3 SECTION 1. 194.53 of the statutes is created to read:

4 **194.53 Certain liability provisions in motor carrier transportation**  
5 **contracts prohibited. (1)** In this section:

6 (a) "Affiliate" of a promisee means any agent of the promisee or any  
7 independent contractor that is directly responsible to the promisee, but excludes a  
8 motor carrier that is a party to a motor carrier transportation contract with the  
9 promisee, any employee or agent of such a motor carrier, or any independent  
10 contractor directly responsible to such a motor carrier.

**SENATE BILL 41****SECTION 1**

1 (b) “Motor carrier” means a common motor carrier or contract motor carrier.

2 (c) 1. “Motor carrier transportation contract” means any agreement, regardless  
3 of whether it is written, oral, express, or implied, between a motor carrier and a  
4 promisee covering any of the following:

5 a. The transportation of property for hire by the motor carrier.

6 b. The motor carrier’s entrance on property for the purpose of loading,  
7 unloading, or transporting property for hire.

8 c. Any service of the motor carrier incidental to any activity under subd. 1. a.  
9 or b., including the storage of property.

10 2. “Motor carrier transportation contract” does not include the Uniform  
11 Intermodal Interchange and Facilities Access Agreement administered by the  
12 Intermodal Association of North America or other agreements providing for the  
13 interchange, use, or possession of intermodal chassis, containers, or other  
14 intermodal equipment.

15 (d) “Promisee” means any person that enters into a motor carrier  
16 transportation contract with a motor carrier.

17 **(2)** (a) Notwithstanding s. 401.302, ch. 407, and any other provision of law, no  
18 provision of a motor carrier transportation contract, and no covenant or agreement  
19 collateral to or affecting a motor carrier transportation contract, may indemnify, hold  
20 harmless, or require the motor carrier to provide a defense to the promisee or any  
21 employee or affiliate of the promisee, or have the effect of indemnifying, holding  
22 harmless, or requiring the provision of a defense, from or against any liability for loss  
23 or damage resulting from the negligence or intentional acts or omissions of the  
24 promisee or any employee or affiliate of the promisee.

