

State of Wisconsin



2011 Senate Bill 41

Date of enactment: **July 5, 2011**
Date of publication*: **July 19, 2011**

2011 WISCONSIN ACT 33

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

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

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

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

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

(b) "Motor carrier" means a common motor carrier or contract motor carrier.

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

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

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

c. Any service of the motor carrier incidental to any

activity under subd. 1. a. or b., including the storage of property.

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

(d) "Promisee" means any person that enters into a motor carrier transportation contract with a motor carrier.

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

(b) Any provision, covenant, or agreement in violation of par. (a) is void and unenforceable.

SECTION 2. Initial applicability.

(1) This act first applies to contracts that are entered into on the effective date of this subsection.

* Section 991.11, WISCONSIN STATUTES 2009-10: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].