



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 33
[2011 Senate Bill 41]

Motor Carrier Liability

2011 Wisconsin Act 33 prohibits the use of certain liability provisions in motor carrier transportation contracts.

Under the Act, a motor carrier transportation contract is any agreement between a motor carrier and a promisee (typically a shipper of goods) that covers the transportation of property for hire, entrance on property for loading, unloading or transporting property for hire, or any incidental service related to these activities, including the storage of property. However, a motor carrier transportation contract does not include the Uniform Intermodal Interchange and Facilities Access Agreement or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

Act 33 prohibits contract provisions that require a motor carrier to indemnify a promisee against liability arising from the promisee's *own* actions. Specifically, *Act 33* prohibits any motor carrier transportation contract provision or collateral covenant or agreement that requires a motor carrier to indemnify, hold harmless, or provide a defense to the promisee or its employees or affiliates from or against liability for loss or damage resulting from the negligence, intentional acts, or omissions of the promisee or its employees or affiliates. The Act declares that any provision, covenant, or agreement requiring this type of indemnification is void and unenforceable.

Act 33's prohibition on motor carrier liability provisions first applies to contracts entered into on the effective date of the Act.

Effective date: July 20, 2011

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.