

Session 116 - (2005-2006)

H 3173 General Bill, By Harrison, G.R. Smith, Rice, Hinson, Sandifer and Toole

Similar (S 0106, H 3030)

Summary: Motor carrier transportation contract that holds promisee harmless from liability is void and unenforceable

A BILL TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 58-23-110 SO AS TO PROVIDE THAT A PROVISION 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", AND TO PROVIDE THAT THIS PROVISION DOES NOT AFFECT A PROVISION, CLAUSE, COVENANT, OR AGREEMENT WHERE THE MOTOR CARRIER INDEMNIFIES OR HOLDS HARMLESS THE CONTRACT'S PROMISEE UNDER CERTAIN CIRCUMSTANCES.

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