
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 271, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§271- Indemnification prohibited. (a) With regard to
5 a transportation services contract, an indemnitee, as defined by
6 subsection (c), shall not require a motor carrier to indemnify,
7 defend, or hold the indemnitee harmless, or be required to agree
8 to a provision that purports to indemnify, defend, or hold an
9 indemnitee harmless from claims or liability for the negligence,
10 intentional acts, or intentional omissions of the indemnitee.

11 (b) Any contract or agreement, or portion thereof, that
12 violates subsection (a) shall be deemed void and unenforceable.

13 (c) As used in this section:

14 "Indemnitee" means:

15 (1) A person who enters into a transportation contract or
16 agreement to use the services of, or permit entry onto
17 their premises to, a motor carrier; or



- 1 (2) A person who is, or is purported to be, indemnified,
- 2 defended, or held harmless from claims or liabilities
- 3 for that person's negligence, intentional acts, or
- 4 intentional omissions by a contract or agreement; and
- 5 (3) Includes any agent, employee, servant, or independent
- 6 contractor of paragraphs (1) or (2).

7 "Motor carrier" has the same meaning as in section 286-201,
 8 and includes an agent, employee, servant, or independent
 9 contractor of the motor carrier.

10 "Transportation services" means:

- 11 (1) The transportation of property or passengers; or
- 12 (2) Entry onto a property to load, unload, or transport
- 13 property or passengers."

14 SECTION 2. New statutory material is underscored.

15 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *[Signature]*
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Report Title:

Transportation; Motor Carrier Indemnification

Description:

Prohibits motor carriers from being required to enter into agreements to hold harmless from claims or liability for the negligence, intentional acts, or intentional omissions persons entering into a transportation contract or agreement to use the services of, or permit entry onto their premises to a motor carrier.

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