

Regular Session, 2012

HOUSE BILL NO. 465

BY REPRESENTATIVE ABRAMSON

CONTRACTS: Repeals certain provisions relative to indemnity contracts

1 AN ACT

2 To repeal R.S. 9:2780.1, relative to contracts; to repeal certain provisions relative to motor  
3 carrier transportation contracts and construction contracts.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 9:2780.1 is hereby repealed in its entirety.

---

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

Abramson

HB No. 465

**Abstract:** Repeals provisions invalidating certain indemnification agreements in motor carrier transportation contracts and construction contracts.

Present law provides for definitions of "motor carrier transportation contract", "construction contract", "indemnitee", "indemnitor", and "third party".

Present law provides that any provision, clause, covenant, or agreement in a motor carrier transportation contract or construction contract which purports to indemnify, defend, or hold harmless the indemnitee from or against any liability for loss or damage resulting from the negligence or intentional acts or omissions of the indemnitee, an agent or employee of the indemnitee, or a third party over which the indemnitor has no control is contrary to the public policy of this state and is null, void, and unenforceable.

Present law provides that any provision, clause, covenant, or agreement contained in, collateral to, or affecting a motor carrier transportation contract or construction contract which purports to require an indemnitor to procure liability insurance covering the acts or omissions or both of the indemnitee, its employees or agents, or the acts or omissions of a third party over whom the indemnitor has no control is null, void, and unenforceable.

Present law provides that the laws of the state of La. shall apply to and govern any construction contract to be performed in this state and any motor carrier transportation contract relative to loading or unloading activities, or any services incidental thereto, which

occur in this state, and any contractual provision, covenant, or clause to the contrary shall be null, void, and unenforceable.

Present law provides for prospective application to motor carrier transportation contracts and construction contracts entered into after Jan. 1, 2011.

Proposed law repeals present law.

(Repeals R.S. 9:2780.1)