

Regular Session, 2014

SENATE BILL NO. 518

BY SENATOR MARTINY

COMMERCIAL REGULATIONS. Provides relative to indemnification of motor carrier transportation contracts and construction contracts. (8/1/14)

1 AN ACT

2 To enact R.S. 9:2780.1(J), relative to motor carrier transportation contracts and construction
3 contracts; to provide relative to certain provisions of motor carrier transportation
4 contracts and construction contracts concerning indemnification; to provide relative
5 to the effect of such provisions; to provide for certain claims as frivolous; to provide
6 for attorney fees, court costs, and other reasonable costs; to provide for terms and
7 conditions; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:2780.1(J) is hereby enacted to read as follows:

10 §2780.1. Certain contract provisions invalid; motor carrier transportation contracts;
11 construction contracts

12 * * *

13 **J. Any claim for indemnity based upon a provision, covenant, or clause**
14 **that is null, void, and unenforceable under the provisions of this Section shall**
15 **be deemed frivolous and shall subject the claimant to attorney fees, court costs,**
16 **and reasonable costs incurred in the dismissal of the indemnity claim.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Martiny (SB 518)

Present law provides that certain provisions in motor carrier transportation contracts are against the public policy of this state and are null, void, and unenforceable.

Proposed law retains the provisions of present law and adds that any claim for indemnity based upon a provision, covenant, or clause that is null, void, and unenforceable shall be deemed frivolous and shall subject the claimant to attorney fees, court costs, and reasonable costs incurred in the dismissal of the indemnity claim.

Effective August 1, 2014.

(Adds R.S. 9:2780.1(J))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Commerce, Consumer Protection, and International Affairs to the original bill

1. Removes provisions relative to the Unfair Trade Practice and Consumer Protection Law.
2. Adds that any claim for indemnity based upon a provision, covenant, or clause that is null, void, and unenforceable shall be deemed frivolous and shall subject the claimant to attorney fees, court costs, and reasonable costs incurred in the dismissal of the indemnity claim.
3. Makes technical changes.