
SUBSTITUTE SENATE BILL 6674

State of Washington

61st Legislature

2010 Regular Session

By Senate Judiciary (originally sponsored by Senators Kline, McCaslin, and Hargrove)

READ FIRST TIME 02/03/10.

1 AN ACT Relating to agreements to indemnify against liability for
2 negligence involving motor carriers; and amending RCW 4.24.115.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 4.24.115 and 1986 c 305 s 601 are each amended to read
5 as follows:

6 (1) A covenant, promise, agreement or understanding in, or in
7 connection with or collateral to, a contract or agreement relative to
8 the construction, alteration, repair, addition to, subtraction from,
9 improvement to, or maintenance of, any building, highway, road,
10 railroad, excavation, or other structure, project, development, or
11 improvement attached to real estate, including moving and demolition in
12 connection therewith, or a motor carrier transportation contract,
13 purporting to indemnify against liability for damages arising out of
14 bodily injury to persons or damage to property:

15 ~~((1))~~ (a) Caused by or resulting from the sole negligence of the
16 indemnitee, his agents or employees is against public policy and is
17 void and unenforceable;

18 ~~((2))~~ (b) Caused by or resulting from the concurrent negligence
19 of ~~((a))~~ (i) the indemnitee or the indemnitee's agents or employees,

1 and (~~(b)~~) (ii) the indemnitor or the indemnitor's agents or
2 employees, is valid and enforceable only to the extent of the
3 indemnitor's negligence and only if the agreement specifically and
4 expressly provides therefor, and may waive the indemnitor's immunity
5 under industrial insurance, Title 51 RCW, only if the agreement
6 specifically and expressly provides therefor and the waiver was
7 mutually negotiated by the parties. This subsection applies to
8 agreements entered into after June 11, 1986.

9 (2) As used in this section, a "motor carrier transportation
10 contract" means a contract, agreement, or understanding covering: (a)
11 The transportation of property for compensation or hire by the motor
12 carrier; (b) entrance on property by the motor carrier for the purpose
13 of loading, unloading, or transporting property for compensation or
14 hire; or (c) a service incidental to activity described in (a) or (b)
15 of this subsection, including, but not limited to, storage of property,
16 moving equipment or trailers, loading or unloading, or monitoring
17 loading or unloading. "Motor carrier transportation contract" shall
18 not include agreements providing for the interchange, use, or
19 possession of intermodal chassis, containers, or other intermodal
20 equipment.

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