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SENATE BILL 6674

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State of Washington                      61st Legislature                      2010 Regular Session

By Senators Kline, McCaslin, and Hargrove

Read first time 01/21/10. Referred to Committee on Judiciary.

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.

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