

**39:14-1 & 39:14-2**  
**LEGISLATIVE HISTORY CHECKLIST**

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**LAWS OF:** 2015                    **CHAPTER:** 112

**NJSA:** 39:14-1 & 39:14-2 (Prohibits motor carrier transportation contract from indemnifying promisee against liability for loss or damage in certain instances.)

**BILL NO:** S1380                    (Substituted for A3282 (1R))

**SPONSOR(S)** Barnes, Peter J., and others

**DATE INTRODUCED:** February 27, 2014

**COMMITTEE:**                    **ASSEMBLY:** Transportation and Independent Authorities

**SENATE:** Transportation

**AMENDED DURING PASSAGE:** Yes

**DATE OF PASSAGE:**                    **ASSEMBLY:** 6/25/2015

**SENATE:** 8/13/2015

**DATE OF APPROVAL:** October 1, 2015

**FOLLOWING ARE ATTACHED IF AVAILABLE:**

**FINAL TEXT OF BILL** (Second Reprint enacted)                    Yes

**S1380**

**INTRODUCED BILL:** (Includes sponsor(s) statement)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** Yes

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:**                    No

**LEGISLATIVE FISCAL ESTIMATE:**                    No

**A3282 (1R)**

**INTRODUCED BILL:** (Includes sponsor(s) statement)                    Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

**VETO MESSAGE:** No

**GOVERNOR'S PRESS RELEASE ON SIGNING:** Yes

**FOLLOWING WERE PRINTED:**

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**REPORTS:** No

**HEARINGS:** No

**NEWSPAPER ARTICLES:** No

end

Title 39.  
Subtitle 2.  
Chapter 14 (New)  
Motor Carrier  
Transportation  
Contracts  
§§1,2 –  
C.39:14-1 &  
39:14-2  
§3 - Note

P.L.2015, CHAPTER 112, *approved October 1, 2015*  
Senate, No. 1380 (*Second Reprint*)

1 AN ACT concerning motor carrier transportation contracts and  
2 supplementing Title 27 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. For the purposes of P.L. , c. (C. ) (pending before  
8 the Legislature as this bill):

9 “Motor carrier” means a person contracted to transport goods or  
10 property by motor vehicle.

11 “Motor carrier transportation contract” means a contract,  
12 agreement, or understanding concerning: (1) the transportation of  
13 property for compensation or hire by a motor carrier; (2) the  
14 entrance on property by a motor carrier for the purpose of loading,  
15 unloading, or transporting property for compensation or hire; or (3)  
16 a service incidental to the transportation of property for  
17 compensation or hire by a motor carrier, or <sup>1</sup>to<sup>1</sup> the entrance on  
18 property by a motor carrier for the purpose of loading, unloading, or  
19 transporting property for compensation or hire, including, but not  
20 limited to, the storage of property. <sup>2</sup>“Motor carrier transportation  
21 contract” shall not include the Uniform Intermodal Interchange and  
22 Facilities Access Agreement administered by the Intermodal  
23 Association of North America or other agreements providing for the  
24 interchange, use, or possession of intermodal chassis, containers, or  
25 other intermodal equipment.<sup>2</sup>

26 <sup>1</sup>**【Promisee】** “Promisee”<sup>1</sup> means a promisee who is <sup>1</sup>a<sup>1</sup> party to  
27 a motor carrier transportation contract and includes any agents,  
28 employees, servants, or independent <sup>1</sup>**【contracts】** contractors<sup>1</sup>  
29 directly responsible to the promisee, except for <sup>1</sup>a<sup>1</sup> motor  
30 <sup>1</sup>**【carriers】** carrier who is a<sup>1</sup> party to a motor carrier transportation

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

<sup>1</sup>Senate STR committee amendments adopted March 9, 2015.

<sup>2</sup>Assembly ATR committee amendments adopted June 18, 2015.

1 contract with the promisee, and the motor carrier's agents,  
2 employees, servants, or independent <sup>1</sup>~~contracts~~ contractors<sup>1</sup>  
3 directly responsible to the motor carrier.

4  
5 2. Notwithstanding any law, rule, or regulation to the contrary,  
6 a provision, clause, covenant, or agreement contained in, collateral  
7 to, or affecting a motor carrier transportation contract entered into  
8 on or after the effective date of P.L. , c. (C. ) (pending  
9 before the Legislature as this bill) that purports to indemnify,  
10 defend, or hold harmless, or has the effect of indemnifying,  
11 defending, or holding harmless the promisee from or against any  
12 liability for loss or damage resulting from the negligence,  
13 intentional acts, or omissions of the promisee is against the public  
14 policy of this State and is void and unenforceable.

15  
16 3. This act shall take effect on the first day of the 13th month  
17 following enactment.

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Prohibits motor carrier transportation contract from indemnifying  
promisee against liability for loss or damage in certain instances.

**SENATE, No. 1380**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED FEBRUARY 27, 2014

**Sponsored by:**

**Senator PETER J. BARNES, III**

**District 18 (Middlesex)**

**SYNOPSIS**

Prohibits motor carrier transportation contract from indemnifying promisee against liability for loss or damage in certain instances.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning motor carrier transportation contracts and  
2 supplementing Title 27 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

6

7 1. For the purposes of P.L. , c. (C. ) (pending before  
8 the Legislature as this bill):

9 “Motor carrier” means a person contracted to transport goods or  
10 property by motor vehicle.

11 “Motor carrier transportation contract” means a contract,  
12 agreement, or understanding concerning: (1) the transportation of  
13 property for compensation or hire by a motor carrier; (2) the  
14 entrance on property by a motor carrier for the purpose of loading,  
15 unloading, or transporting property for compensation or hire; or (3)  
16 a service incidental to the transportation of property for  
17 compensation or hire by a motor carrier, or the entrance on property  
18 by a motor carrier for the purpose of loading, unloading, or  
19 transporting property for compensation or hire, including, but not  
20 limited to, the storage of property.

21 “Promisee” means a promisee who is party to a motor carrier  
22 transportation contract and includes any agents, employees,  
23 servants, or independent contractors directly responsible to the  
24 promisee, except for motor carriers party to a motor carrier  
25 transportation contract with the promisee, and the motor carrier’s  
26 agents, employees, servants, or independent contractors directly  
27 responsible to the motor carrier.

28

29 2. Notwithstanding any law, rule, or regulation to the contrary,  
30 a provision, clause, covenant, or agreement contained in, collateral  
31 to, or affecting a motor carrier transportation contract entered into  
32 on or after the effective date of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill) that purports to indemnify,  
34 defend, or hold harmless, or has the effect of indemnifying,  
35 defending, or holding harmless the promisee from or against any  
36 liability for loss or damage resulting from the negligence,  
37 intentional acts, or omissions of the promisee is against the public  
38 policy of this State and is void and unenforceable.

39

40 3. This act shall take effect on the first day of the 13th month  
41 following enactment.

42

43

44

STATEMENT

45

46 This bill makes void and unenforceable any provision in a motor  
47 carrier transportation contract (contract) that indemnifies, defends,  
48 or holds harmless the promisee to a contract from liability for loss

1 or damage resulting from the negligence, intentional acts, or  
2 omissions of the promisee. For the purposes of the bill, “motor  
3 carrier transportation contract” means a contract, agreement, or  
4 understanding concerning: (1) the transportation of property for  
5 compensation or hire by a motor carrier; (2) the entrance on  
6 property by a motor carrier for the purpose of loading, unloading, or  
7 transporting property for compensation or hire; or (3) a service  
8 incidental to the transportation of property for compensation or hire  
9 by a motor carrier, or the entrance on property by a motor carrier  
10 for the purpose of loading, unloading, or transporting property for  
11 compensation or hire, including, but not limited to, the storage of  
12 property.

13 More than 30 states have adopted anti-indemnification laws.  
14 Many motor carrier transportation contracts have broad indemnity  
15 clauses, some of which indemnify the promisee even in cases where  
16 the promisee’s negligence, intentional acts, or omission may have  
17 caused or contributed to an accident or injury. This bill makes void  
18 any provision in a motor carrier transportation contract that  
19 indemnifies the promisee from liability when the loss or damage  
20 was the result of the promisee’s negligence, intentional act, or  
21 omission.

# SENATE TRANSPORTATION COMMITTEE

## STATEMENT TO

### **SENATE, No. 1380**

with committee amendments

# **STATE OF NEW JERSEY**

DATED: MARCH 9, 2015

The Senate Transportation Committee reports favorably and with committee amendments Senate Bill No. 1380.

As amended and reported, this bill makes void and unenforceable any provision in a motor carrier transportation contract (contract) that indemnifies, defends, or holds harmless the promisee to a contract from liability for loss or damage resulting from the negligence, intentional acts, or omissions of the promisee. For the purposes of the bill, “motor carrier transportation contract” means a contract, agreement, or understanding concerning: (1) the transportation of property for compensation or hire by a motor carrier; (2) the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or (3) a service incidental to the transportation of property for compensation or hire by a motor carrier, or to the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire, including, but not limited to, the storage of property.

#### COMMITTEE AMENDMENTS

The committee amended the bill to make grammatical corrections to the definitions section of the bill.



ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO

[First Reprint]

**SENATE, No. 1380**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 18, 2015

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Senate Bill No. 1380 (1R).

As reported, this bill makes void and unenforceable any provision in a motor carrier transportation contract (contract) that indemnifies, defends, or holds harmless the promisee to a contract from liability for loss or damage resulting from the negligence, intentional acts, or omissions of the promisee. For the purposes of the bill, “motor carrier transportation contract” means a contract, agreement, or understanding concerning: (1) the transportation of property for compensation or hire by a motor carrier; (2) the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or (3) a service incidental to the transportation of property for compensation or hire by a motor carrier, or to the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire, including, but not limited to, the storage of property. A motor carrier transportation contract does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

As amended and reported, Senate Bill No. 1380 (1R) is identical to Assembly Bill No. 3282 which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that a motor carrier transportation contract does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

**ASSEMBLY, No. 3282**

**STATE OF NEW JERSEY**  
**216th LEGISLATURE**

INTRODUCED JUNE 5, 2014

**Sponsored by:**

**Assemblywoman ANNETTE QUIJANO**

**District 20 (Union)**

**SYNOPSIS**

Prohibits motor carrier transportation contract from indemnifying promisee against liability for loss or damage in certain instances.

**CURRENT VERSION OF TEXT**

As introduced.



1 AN ACT concerning motor carrier transportation contracts and  
2 supplementing Title 27 of the Revised Statutes.

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State  
5 of New Jersey:

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7 1. For the purposes of P.L. , c. (C. ) (pending before  
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9 “Motor carrier” means a person contracted to transport goods or  
10 property by motor vehicle.

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12 agreement, or understanding concerning: (1) the transportation of  
13 property for compensation or hire by a motor carrier; (2) the  
14 entrance on property by a motor carrier for the purpose of loading,  
15 unloading, or transporting property for compensation or hire; or (3)  
16 a service incidental to the transportation of property for  
17 compensation or hire by a motor carrier, or the entrance on property  
18 by a motor carrier for the purpose of loading, unloading, or  
19 transporting property for compensation or hire, including, but not  
20 limited to, the storage of property.

21 “Promisee” means a promisee who is party to a motor carrier  
22 transportation contract and includes any agents, employees,  
23 servants, or independent contracts directly responsible to the  
24 promisee, except for motor carriers party to a motor carrier  
25 transportation contract with the promisee, and the motor carrier’s  
26 agents, employees, servants, or independent contracts directly  
27 responsible to the motor carrier.

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29 2. Notwithstanding any law, rule, or regulation to the contrary,  
30 a provision, clause, covenant, or agreement contained in, collateral  
31 to, or affecting a motor carrier transportation contract entered into  
32 on or after the effective date of P.L. , c. (C. ) (pending  
33 before the Legislature as this bill) that purports to indemnify,  
34 defend, or hold harmless, or has the effect of indemnifying,  
35 defending, or holding harmless the promisee from or against any  
36 liability for loss or damage resulting from the negligence,  
37 intentional acts, or omissions of the promisee is against the public  
38 policy of this State and is void and unenforceable.

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40 3. This act shall take effect on the first day of the 13th month  
41 following enactment.

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3 carrier transportation contract” means a contract, agreement, or  
4 understanding concerning: (1) the transportation of property for  
5 compensation or hire by a motor carrier; (2) the entrance on  
6 property by a motor carrier for the purpose of loading, unloading, or  
7 transporting property for compensation or hire; or (3) a service  
8 incidental to the transportation of property for compensation or hire  
9 by a motor carrier, or the entrance on property by a motor carrier  
10 for the purpose of loading, unloading, or transporting property for  
11 compensation or hire, including, but not limited to, the storage of  
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14 Many motor carrier transportation contracts have broad indemnity  
15 clauses, some of which indemnify the promisee even in cases where  
16 the promisee’s negligence, intentional acts, or omission may have  
17 caused or contributed to an accident or injury. This bill makes void  
18 any provision in a motor carrier transportation contract that  
19 indemnifies the promisee from liability when the loss or damage  
20 was the result of the promisee’s negligence, intentional act, or  
21 omission.

ASSEMBLY TRANSPORTATION AND INDEPENDENT  
AUTHORITIES COMMITTEE

STATEMENT TO  
**ASSEMBLY, No. 3282**

with committee amendments

**STATE OF NEW JERSEY**

DATED: JUNE 18, 2015

The Assembly Transportation and Independent Authorities Committee reports favorably and with committee amendments Assembly Bill No. 3282.

As amended and reported, this bill makes void and unenforceable any provision in a motor carrier transportation contract (contract) that indemnifies, defends, or holds harmless the promisee to a contract from liability for loss or damage resulting from the negligence, intentional acts, or omissions of the promisee. For the purposes of the bill, “motor carrier transportation contract” means a contract, agreement, or understanding concerning: (1) the transportation of property for compensation or hire by a motor carrier; (2) the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire; or (3) a service incidental to the transportation of property for compensation or hire by a motor carrier, or to the entrance on property by a motor carrier for the purpose of loading, unloading, or transporting property for compensation or hire, including, but not limited to, the storage of property. A motor carrier transportation contract does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment.

As amended and reported, Assembly Bill No. 3282 is identical to Senate Bill No. 1380 (1R) which was also amended and reported by the committee on this date.

COMMITTEE AMENDMENTS

The committee amended the bill to provide that a motor carrier transportation contract does not include the Uniform Intermodal Interchange and Facilities Access Agreement administered by the Intermodal Association of North America or other agreements providing for the interchange, use, or possession of intermodal chassis, containers, or other intermodal equipment and to make grammatical corrections to the definitions section of the bill.

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## Governor Christie Takes Commonsense Action To Lift Restrictions On Fuel Retailers During Energy Emergencies

Thursday, October 1, 2015 Tags: [Bill Action](#)



**Trenton, NJ** - Governor Chris Christie took action today to reduce the burden of statutory red tape for retailers and motorists during an energy state of emergency by signing A-1733/S-314 (Eustace, Johnson, DeCroce, Quijano/Gordon, Beck). The legislation allows for fuel retailers to reduce the price of higher-grade fuel after exhausting lower-grade fuel supply during a state of energy emergency, providing greater flexibility on the availability of fuel during an emergency.

Although the Governor already has the authority to suspend any law affecting energy during a declared energy emergency, this bill would expressly allow a retailer that exhausts its supply of lowest grade motor fuel to sell any remaining supply of higher grade motor fuel at the price the retailer charged for the lowest grade motor fuel, without requiring any specific intervention by the Governor.

The Governor also took the following action on other pending legislation:

**BILL SIGNING:**

**S-1380/A-3282 (Barnes/Quijano)** - Prohibits motor carrier transportation contract from indemnifying promisee against liability for loss or damage in certain instances

**Press Contact:**  
Brian Murray  
Nicole Sizemore  
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