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The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy R. Wells.

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## DIGEST

Martiny (SB 518)

Present law provides that certain provisions in motor carrier transportation contracts that 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 or defense that an indemnity provision, covenant, or clause is null, void, and unenforceable under the provisions of present law, if contested, shall be decided by the court prior to the trial of the case, and the prevailing party is entitled to attorney fees and costs incurred in connection with such determination.

Proposed law provides that any claim for indemnity based upon a provision, covenant, or clause that is null, void, and unenforceable under the provisions of present law shall be deemed frivolous.

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.

#### Senate Floor Amendments to engrossed bill

1. Changes provisions of proposed law so that any claim or defense that an

indemnity provision, covenant, or clause is null, void, and unenforceable shall be decided by the court prior to the trial of the case, and the prevailing party is entitled to attorney fees and costs incurred in connection with such determination.