

SD 1855

Filed by Sen. Stephen Buoniconti

AN ACT TO LIMIT INDEMNITY AND INSURANCE RESPONSIBILITY FOR GENERAL CONTRACTORS AND SUBCONTRACTORS IN CONSTRUCTION WORK

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Amend section 29C of Chapter 149 of the 2004 Official Edition by striking out the entire section and inserting in place thereof the following new section 29C:

SECTION 29C. Any provision for or in connection with a contract or subcontract for construction, reconstruction, installation, alteration, remodeling, repair, demolition or maintenance work, including without limitation, excavation, backfilling or grading, on any building or structure, whether underground or above ground, or on any real property, including without limitation any road, bridge, tunnel, sewer, water or other utility line, which requires one party to indemnify or insure the other party, or anyone identified in the contract or subcontract as an indemnitee or additional insured, for injury to persons or damage to property to a greater extent than the proportion of said injury or damage proximately caused by the negligence of the indemnitor is unfair, unenforceable and void. Any such indemnification or insurance provision shall be interpreted to require indemnification or insurance only to the proportional extent the negligence of the indemnitor, its agents or employees is a direct proximate cause of the injury or damage.

Nothing in this section shall be construed to alter existing law governing the liability of joint tortfeasors to a plaintiff.