

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 1757

(SENATE AUTHORS: LATZ, Carlson, Rest, Newman and Pederson, J.)

DATE	D-PG	OFFICIAL STATUS
02/25/2014	5821	Introduction and first reading Referred to Judiciary
03/12/2014	6118a 6156	Comm report: To pass as amended Second reading
04/09/2014	8011	HF substituted on General Orders HF2090

A bill for an act
relating to civil actions; prohibiting certain indemnification agreements;
proposing coding for new law in Minnesota Statutes, chapter 604.
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[604.21] INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL
SERVICES CONTRACTS VOID.**

(a) A provision contained in, or executed in connection with, a design professional
services contract is void and unenforceable to the extent it attempts to require an
indemnitor to indemnify, to hold harmless, or to defend an indemnitee from or against
liability for loss or damage resulting from the negligence or fault of anyone other than the
indemnitor or others for whom the indemnitor is legally liable.

(b) For purposes of this section, "design professional services contract" means a
contract under which some portion of the work or services is to be performed or supervised
by a person licensed under section 326.02, and is furnished in connection with any actual
or proposed maintenance of or improvement to real property, highways, roads, or bridges.

(c) This section does not apply to the extent that the obligation to indemnify, to hold
harmless, or to defend an indemnitee is able to be covered by insurance.

(d) This section does not apply to agreements referred to in section 337.03 or 337.04.

(e) A provision contained in, or executed in connection with, a design professional
services contract for any actual or proposed maintenance of, or improvement to, real
property, highways, roads, or bridges located in Minnesota that makes the contract subject
to the laws of another state or requires that any litigation, arbitration, or other dispute
resolution process on the contract occur in another state is void and unenforceable.

(f) This section supersedes any other inconsistent provision of law.

- 2.1 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2014,
2.2 and applies to contracts or agreements entered into on or after that date.