

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2090

02/25/2014 Authored by Hortman

The bill was read for the first time and referred to the Committee on Civil Law

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

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

1.7 (a) A covenant, clause, or understanding in, collateral to, or affecting a design
1.8 professional services contract is against public policy and is void and unenforceable to the
1.9 extent it attempts to require the professional to indemnify, to hold harmless, or to defend
1.10 any indemnitee from or against liability for loss or damage, resulting from the negligence
1.11 or fault of anyone other than the professional, its subconsultants, or others for whom
1.12 the professional is legally liable.

1.13 (b) For purposes of this section, "design professional services contract" means
1.14 a written or oral contract or agreement relating to professional or scientific services for
1.15 the design, construction, administration, study, evaluation, inspection, site observation,
1.16 surveying, mapping, material sampling, testing, or other professional or scientific
1.17 services furnished in connection with any actual or proposed improvement to real
1.18 property, including without limitation any environmental, compliance, remediation, repair,
1.19 maintenance, demolition, or excavation of real property. A design professional services
1.20 contract includes, but is not limited to, a contract for services to be performed by a person
1.21 licensed under section 326.02.

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

1.23 Sec. 2. **EFFECTIVE DATE; APPLICATION.**

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