

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH LEGISLATURE

S.F. No. 561

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DATE	D-PG	OFFICIAL STATUS
02/18/2013	281	Introduction and first reading Referred to Judiciary
03/20/2013	1299a	Comm report: To pass as amended and re-refer to Commerce
03/21/2013	1389a	Comm report: To pass as amended and re-refer to Judiciary
04/02/2013	1500a	Comm report: To pass as amended
	1668	Second reading
05/14/2013		Special Order: Amended Third reading Passed

A bill for an act

1.1
 1.2 relating to commerce; regulating building and construction contracts; prohibiting
 1.3 certain agreements to insure; amending Minnesota Statutes 2012, section 337.05,
 1.4 subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 337.05, subdivision 1, is amended to read:

1.7 Subdivision 1. **Agreements valid.** (a) Except as otherwise provided in paragraph
 1.8 (b), sections 337.01 to 337.05 do not affect the validity of agreements whereby a promisor
 1.9 agrees to provide specific insurance coverage for the benefit of others.

1.10 (b) An agreement or contract provision that requires a party to provide insurance
 1.11 coverage to one or more other parties, including third parties, for the negligence or
 1.12 intentional acts or omissions of any of those parties, including third parties, is against
 1.13 public policy and is void and unenforceable. This subdivision does not prohibit an
 1.14 agreement or contract provision for workers' compensation, construction performance
 1.15 or payment bonds, vicarious liability coverage, or to obtain project specific insurance,
 1.16 including, without limitation, builder's risk policies or owner or contractor-controlled
 1.17 insurance programs or policies.

1.18 (c) Paragraph (b) does not apply to building and construction contracts for work
 1.19 within fifty feet of public or private railroads, or railroads regulated by the Federal
 1.20 Railroad Administration.

1.21 **EFFECTIVE DATE; APPLICATION.** This section is effective August 1, 2013,
 1.22 and applies to agreements entered into on or after that date.