

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1099

02/19/2015 Authored by Loonan, Sanders, Dettmer, Mahoney, O'Neill and others
The bill was read for the first time and referred to the Committee on Commerce and Regulatory Reform
03/24/2016 By motion, recalled and re-referred to the Committee on Civil Law and Data Practices
04/01/2016 Adoption of Report: Placed on the General Register
Read Second Time

1.1 A bill for an act
1.2 relating to contracts; modifying and clarifying requirements relating to building
1.3 and construction contracts; amending Minnesota Statutes 2014, sections 337.01,
1.4 subdivision 3; 337.05, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2014, section 337.01, subdivision 3, is amended to read:

1.7 Subd. 3. Indemnification agreement. "Indemnification agreement" means an
1.8 agreement by the promisor to indemnify, defend, or hold harmless the promisee against
1.9 liability or claims of liability for damages arising out of bodily injury to persons or out of
1.10 physical damage to tangible or real property.

1.11 Sec. 2. Minnesota Statutes 2014, section 337.05, subdivision 1, is amended to read:

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

1.15 (b) A provision that requires a party to provide insurance coverage to one or more
1.16 other parties, including third parties, for the negligence or intentional acts or omissions
1.17 of any of those other parties, including third parties, is against public policy and is void
1.18 and unenforceable.

1.19 (c) Paragraph (b) does not affect the validity of a provision that requires a party to
1.20 provide or obtain workers' compensation insurance, construction performance or payment
1.21 bonds, or project-specific insurance, including, without limitation, builder's risk policies,
1.22 or owner or contractor-controlled insurance programs or policies.

2.1 (d) Paragraph (b) does not affect the validity of a provision that requires the promisor  
2.2 to provide or obtain insurance coverage for the promisee's vicarious liability, or liability  
2.3 imposed by warranty, arising out of the acts or omissions of the promisor.

2.4 (e) Paragraph (b) does not apply to building and construction contracts for work  
2.5 within 50 feet of public or private railroads, or railroads regulated by the Federal Railroad  
2.6 Administration.

2.7 Sec. 3. **EFFECTIVE DATE.**

2.8 Sections 1 and 2 are effective the day following final enactment and apply to  
2.9 agreements entered into on or after that date.