

SENATE  
STATE OF MINNESOTA  
EIGHTY-NINTH SESSION

S.F. No. 924

(SENATE AUTHORS: JENSEN, Dahle, Dziedzic and Hoffman)

DATE	D-PG	OFFICIAL STATUS
02/19/2015	356	Introduction and first reading
		Referred to Judiciary
03/12/2015	689	Comm report: To pass
	772	Second reading
	785	Author stricken Hall
03/16/2015	909	Author stricken Ortman
04/23/2015	2547	Author added Hoffman
	4868	Rule 47, returned to Judiciary
03/14/2016	4974	Comm report: To pass
	5016	Second reading
05/02/2016	6570	Author added Pederson
05/03/2016	6667	Author stricken Pederson

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A bill for an act

relating to contracts; modifying and clarifying requirements relating to building

and construction contracts; amending Minnesota Statutes 2014, sections 337.01,

subdivision 3; 337.05, subdivision 1.

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

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

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Subd. 3. **Indemnification agreement.** "Indemnification agreement" means an

agreement by the promisor to indemnify, defend, or hold harmless the promisee against

liability or claims of liability for damages arising out of bodily injury to persons or out of

physical damage to tangible or real property.

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

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Subdivision 1. **Agreements valid.** (a) Except as otherwise provided in paragraph

(b), sections 337.01 to 337.05 do not affect the validity of agreements whereby a promisor

agrees to provide specific insurance coverage for the benefit of others.

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(b) A provision that requires a party to provide insurance coverage to one or more

other parties, including third parties, for the negligence or intentional acts or omissions

of any of those other parties, including third parties, is against public policy and is void

and unenforceable.

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(c) Paragraph (b) does not affect the validity of a provision that requires a party to

provide or obtain workers' compensation insurance, construction performance or payment

bonds, ~~or project-specific insurance, including, without limitation,~~ builder's risk policies,

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.