

1.1 A bill for an act

1.2 relating to civil actions; prohibiting certain indemnification agreements;
1.3 amending Minnesota Statutes 2012, section 337.01, subdivision 3; proposing
1.4 coding for new law in Minnesota Statutes, chapter 604.

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

1.6 Section 1. Minnesota Statutes 2012, 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 **EFFECTIVE DATE.** This section is effective the day following final enactment
1.12 and applies to agreements in force on, or entered into on or after, that date.

1.13 Sec. 2. **[604.21] INDEMNITY AGREEMENTS IN DESIGN PROFESSIONAL**
1.14 **SERVICES CONTRACTS VOID.**

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

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

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

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

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

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

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