

337.05 AGREEMENTS TO INSURE.

Subdivision 1. **Agreements valid.** 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.

Subd. 2. **Indemnification for breach of agreement.** If:

- (a) a promisor agrees to provide specific types and limits of insurance; and
- (b) a claim arises within the scope of the specified insurance; and
- (c) the promisor did not obtain and keep in force the specified insurance;

then, as to that claim and regardless of section 337.02, the promisee shall have indemnification from the promisor to the same extent as the specified insurance.

Subd. 3. **When indemnification not available.** The indemnification stated in subdivision 2 is not available if:

- (a) the specified insurance was not reasonably available in the market; and
- (b) the promisor so informed the other party to the agreement to insure before signing the agreement, or signed the agreement subject to a written exception as to the nonavailable insurance.

Subd. 4. **Indemnification regarding deductible amounts.** If:

- (1) a promisor agrees to provide specific types and limits of insurance; and
- (2) a claim arises within the scope of the specified insurance; and
- (3) the insurance provided by the promisor includes a self-insured retention or a deductible amount;

then, as to that claim and regardless of section 337.02, the promisee shall have indemnification from the promisor to the full extent of the deductible amount or self-insured retention.

Subd. 5. **No waiver by certificates.** A promisor's obligation to provide specified insurance is not waived by either or both of the following:

- (1) a promisee's failure to require or insist upon certificates or other evidence of insurance;
- (2) a promisee's acceptance of a certificate or other evidence of insurance that shows a variance from the specified coverage.

History: 1983 c 333 s 5; 1984 c 598 s 6-8