

# HOUSE BILL No. 1077

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 26-2-5-1.

**Synopsis:** Indemnification clauses in construction contracts. Expands the prohibition against construction or design contracts indemnifying a promisee against liability to account for comparative fault.

**Effective:** July 1, 2004.

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January 13, 2004, read first time and referred to Committee on Judiciary.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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# HOUSE BILL No. 1077



A BILL FOR AN ACT to amend the Indiana Code concerning commercial law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 26-2-5-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JULY 1, 2004]: Sec. 1. All provisions, clauses,  
3 covenants, or agreements contained in, collateral to, or affecting any  
4 construction or design contract except those pertaining to highway  
5 contracts, which purport to indemnify the promisee against liability for:  
6 (1) death or bodily injury to persons;  
7 (2) injury to property;  
8 (3) design defects; or  
9 (4) any other loss, damage or expense arising under either  
10 **subdivision** (1), (2), or (3);  
11 from the ~~sole~~ negligence or willful misconduct of the promisee or the  
12 promisee's agents, servants, or independent contractors who are directly  
13 responsible to the promisee, are against public policy and are void and  
14 unenforceable.

