
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1164 Session of
2023

INTRODUCED BY HOHENSTEIN, ORTITAY, MADDEN, PICKETT, HILL-EVANS,
GALLOWAY, GALLAGHER, MALAGARI, NEILSON, MENTZER, GAYDOS AND
WARREN, MAY 18, 2023

REFERRED TO COMMITTEE ON COMMERCE, MAY 18, 2023

AN ACT

1 Amending the act of July 9, 1970 (P.L.484, No.164), entitled, as
2 amended, "An act relating to indemnification agreements
3 between architects, engineers or surveyors and owners,
4 contractors, subcontractors or suppliers and indemnification
5 agreements relating to snow removal or ice control services,"
6 further providing for title of act; and providing for
7 indemnification agreements relative to construction
8 contracts, including agreements for architectural,
9 engineering or land surveying services.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The title of the act of July 9, 1970 (P.L.484,
13 No.164), entitled "An act relating to indemnification agreements
14 between architects, engineers or surveyors and owners,
15 contractors, subcontractors or suppliers and indemnification
16 agreements relating to snow removal or ice control services,"
17 amended July 11, 2022 (P.L.751, No.68), is amended to read:

18 AN ACT

19 Relating to indemnification agreements between architects,
20 engineers or surveyors and owners, contractors,
21 subcontractors or suppliers [and], indemnification agreements

1 relating to snow removal or ice control services[.] and
2 indemnification agreements relative to construction
3 contracts, including agreements for architectural,
4 engineering or land surveying services.

5 Section 2. The act is amended by adding sections to read:

6 Section 1.2. Any provision or term in any construction
7 contract in which a party or its agents or employes shall be
8 indemnified, held harmless or insured for damages, claims,
9 losses or expenses arising out of bodily injury to persons,
10 damage to property or economic damage caused by or resulting
11 from that party's negligence, in whole or in part shall be void
12 as against public policy and unenforceable.

13 Section 1.3. As used in this act, the term "construction
14 contract" means a covenant, agreement or understanding in, or in
15 connection with any contract or agreement made and entered into
16 by an owner, contractor, subcontractor or supplier or the agents
17 or employes of the owner, architect, engineer, land surveyor,
18 contractor, subcontractor or supplier relative to the design,
19 construction, reconstruction, alteration, repair, maintenance,
20 demolition, servicing or security of a building, structure,
21 highway, railroad, appurtenance, land development or appliance.

22 Section 3. This act shall take effect in 60 days.