THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2618 Session of 1982

INTRODUCED BY LASHINGER, AUGUST 25, 1982

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE, AUGUST 25, 1982

AN ACT

1   Amending the act of July 9, 1970 (P.L.484, No.164), entitled "An
2   act relating to indemnification agreements between
3   architects, engineers or surveyors and owners, contractors,
4   subcontractors or suppliers," further providing for certain
5   agreements.

6   The General Assembly of the Commonwealth of Pennsylvania

7   hereby enacts as follows:

8   Section 1. Section 1, act of July 9, 1970 (P.L.484, No.164),

9   entitled "An act relating to indemnification agreements between

10   architects, engineers or surveyors and owners, contractors,

11   subcontractors or suppliers," is amended to read:

12   Section 1. (a) Every covenant, agreement or understanding

13   in, or in connection with any contract or agreement made and

14   entered into by owners, contractors, subcontractors or suppliers

15   whereby an architect, engineer, surveyor or his agents, servants

16   or employes shall be indemnified or held harmless for damages,

17   claims, losses or expenses including attorneys' fees arising out

18   of: (1) the preparation or approval by an architect, engineer,

19   surveyor or his agents, servants, employes or invitees of maps,

1 drawings, opinions, reports, surveys, change orders, designs or

2 specifications, or (2) the giving of or the failure to give

3 directions or instructions by the architect, engineer, surveyor

4 or his agents, servants or employes provided such giving or

5 failure to give is the primary cause of the damage, claim, loss

6 or expense, shall be void as against public policy and wholly

7 unenforceable.

8 (b) Nothing in this act shall affect the enforceability of

9 any insurance contract, workmen's compensation agreement or any

10 negotiated and expressly agreed covenant, agreement or

11 understanding with an architect, engineer or surveyor

12 allocating, releasing, liquidating, excluding or limiting

13 liability among the contracting parties for damages, claims,

14 losses or expenses, including attorneys' fees, arising out of

15 subsection (a)(1) or (2).

16 Section 2. This act shall take effect in 60 days.