

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1325 Session of
1983

INTRODUCED BY LASHINGER, JULY 1, 1983

REFERRED TO COMMITTEE ON JUDICIARY, JULY 1, 1983

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 of the act of July 9, 1970 (P.L.484,
9 No.164), entitled "An act relating to indemnification agreements
10 between architects, engineers or surveyors and owners,
11 contractors, 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 employees 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 between an owner and an architect, engineer or
12 surveyor allocating, releasing, liquidating, excluding or
13 limiting liability among the parties to such a covenant,
14 agreement or understanding for damages, claims, losses or
15 expenses, including attorneys' fees, arising out of subsection
16 (a)(1) or (2).

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