

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2689 Session of 2012

INTRODUCED BY CULVER, BLOOM AND MASSER, OCTOBER 17, 2012

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2012

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in immunities generally,  
3 providing for indemnification clauses in construction  
4 contracts.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 8340.3. Indemnification clauses in construction contracts.

10 (a) General rule.--Notwithstanding any provision of law to  
11 the contrary, a covenant, promise, agreement or understanding in  
12 or in connection with or collateral to a construction contract,  
13 which requires one party to indemnify, hold harmless, insure or  
14 defend another party to the construction contract, or another  
15 person identified by the other party, including the other  
16 party's agents, officers or employees, against liability or  
17 claims for damages, including attorney fees, arising out of  
18 bodily injury or death or damage to property caused or resulting  
19 from the negligence of the other party to the construction

contract, including the other party's agents, officers or employees, is void against public policy and is unenforceable.

(b) Applicability.--This section shall not affect any obligation under worker's compensation or coverage or insurance related to worker's compensation. In addition, this section shall apply notwithstanding any requirement in a construction contract, which requires one party to purchase insurance, including, but not limited to, owner's or contractor's protective insurance, builder's risk insurance, installation coverage, project management protective liability insurance, owner-controlled insurance or contractor-controlled insurance.

(c) Definition.--As used in this section, the term "construction contract" means a contract or agreement relative to the construction, alteration, repair or maintenance of a building or structure or a building's or structure's appurtenances and appliances, including moving, demolishing and excavating the building or structure or a building's or structure's appurtenances or appliances.

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