

**SENATE . . . . . No. 1406**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act to limit indemnity and insurance responsibility for general contractors and subcontractors in construction work..

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1: Section 29C of Chapter 149 of the 2004 Official Edition is hereby amended  
2 by striking out the entire section and inserting in place thereof the following new section 29C:-

3           SECTION 29C. Any provision for or in connection with a contract or subcontract for  
4 construction, reconstruction, installation, alteration, remodeling, repair, demolition or  
5 maintenance work, including without limitation, excavation, backfilling or grading, on any  
6 building or structure, whether underground or above ground, or on any real property, including  
7 without limitation any road, bridge, tunnel, sewer, water or other utility line, which requires one  
8 party to indemnify or insure the other party, or anyone identified in the contract or subcontract as  
9 an indemnitee or additional insured, for injury to persons or damage to property to a greater  
10 extent than the proportion of said injury or damage proximately caused by the negligence of the  
11 indemnitor is unfair, unenforceable and void. Any such indemnification or insurance provision  
12 shall be interpreted to require indemnification or insurance only to the proportional extent the

13 negligence of the indemnitor, its agents or employees is a direct proximate cause of the injury or  
14 damage.

15 Nothing in this section shall be construed to alter existing law governing the liability  
16 of joint tortfeasors to a plaintiff.