

SENATE No. 891

The Commonwealth of Massachusetts

PRESENTED BY:

Michael F. Rush

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act limiting indemnity and insurance responsibility for general contractors and subcontractors in construction work.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Michael F. Rush</i>	<i>Norfolk and Suffolk</i>
<i>Michael O. Moore</i>	<i>Second Worcester</i>
<i>Robert L. Hedlund</i>	<i>Plymouth and Norfolk</i>

SENATE No. 891

By Mr. Rush, a petition (accompanied by bill, Senate, No. 891) of Michael F. Rush, Michael O. Moore and Robert L. Hedlund for legislation to limit indemnity and insurance responsibility for general contractors and subcontractors. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 953 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act limiting 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 General Laws, as appearing in the 2010
2 Official Edition, is hereby amended by striking out the entire section and inserting in place
3 thereof the following new section:-

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

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