

HOUSE No. 1978

The Commonwealth of Massachusetts

PRESENTED BY:

Thomas A. Golden, Jr.

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 relative to prohibit contract provisions requiring subcontractors to assume liability for negligence of others.

PETITION OF:

| NAME: | DISTRICT/ADDRESS: | DATE ADDED: |
|------------------------------|-----------------------|------------------|
| <i>Thomas A. Golden, Jr.</i> | <i>16th Middlesex</i> | <i>1/27/2021</i> |
| <i>William C. Galvin</i> | <i>6th Norfolk</i> | <i>2/25/2021</i> |

HOUSE No. 1978

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 1978) of Thomas A. Golden, Jr., and William C. Galvin for legislation to limit indemnity and insurance responsibility for general contractors and subcontractors in construction work. Labor and Workforce Development.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1624 OF 2019-2020.]

The Commonwealth of Massachusetts

—————
**In the One Hundred and Ninety-Second General Court
(2021-2022)**
—————

An Act relative to prohibit contract provisions requiring subcontractors to assume liability for negligence of others.

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

1 Chapter 149 of the General Laws, as appearing in the 2016 Official Edition, is hereby
2 amended by striking out section 29C and inserting in place thereof the following section:-

3 Chapter 149, Section 29C: Any provision for or in connection with a contract 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 a
8 subcontractor to provide indemnification or insurance for injury to persons or damage to
9 property to a greater extent than the proportion of said injury or damage caused by the negligent

- 10 act or omission of the subcontractor or its employees, agents or subcontractors, shall be void and
- 11 unenforceable.