

HOUSE No. 1727

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 passage of the accompanying:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Thomas A. Golden, Jr.</i>	<i>16th Middlesex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Paul J. Donato</i>	<i>35th Middlesex</i>
<i>James J. Dwyer</i>	<i>30th Middlesex</i>
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>
<i>John D. Keenan</i>	<i>7th Essex</i>
<i>Robert F. Fennell</i>	<i>10th Essex</i>
<i>Alice Hanlon Peisch</i>	<i>14th Norfolk</i>
<i>Diana DiZoglio</i>	<i>14th Essex</i>
<i>Stephen L. DiNatale</i>	<i>3rd Worcester</i>
<i>Viriato Manuel deMacedo</i>	<i>1st Plymouth</i>
<i>Thomas J. Calter</i>	<i>12th Plymouth</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>

HOUSE No. 1727

By Mr. Golden of Lowell, a petition (accompanied by bill, House, No. 1727) of Thomas A. Golden, Jr. and others 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. 3547 OF 2011-2012.]

The Commonwealth of Massachusetts

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 Chapter 149 of the General Laws, as appearing in the 2010 Official Edition, is hereby
2 amended by striking out section 29C and inserting in place thereof the following section:-

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 1
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 shall be 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 proximate cause of the injury or
14 damage.

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