

**HOUSE . . . . . No. 2719**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Thomas J. Calter*

*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 the indemnity and insurance responsibility on certain public construction projects.

PETITION OF:

NAME:

*Thomas J. Calter*

DISTRICT/ADDRESS:

*12th Plymouth*

**HOUSE . . . . . No. 2719**

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By Mr. Calter of Kingston, a petition (accompanied by bill, House, No. 2719) of Thomas J. Calter for legislation to provide for the equitable assessment of liability against project designers and construction managers for certain public construction projects. State Administration and Regulatory Oversight.

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The Commonwealth of Massachusetts

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In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
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An Act relative to the indemnity and insurance responsibility on certain public construction projects.

*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 3 of Chapter 149A of the General Laws as appearing in the 2012  
2 Official Edition is hereby amended by adding the following new subsection (c)

3 (c) Any consultation services provided to the public agency or to the designer by the  
4 construction manager at risk shall not render the construction manager at risk responsible for  
5 costs associated with errors or omissions in the work of the designer or modifications in design  
6 proposed or accepted by the public agency except to the extent such costs are established to be  
7 the proximate result of the acts or omissions of the construction manager at risk.

8 SECTION 2. Section 7 of Chapter 149A of the General Laws as appearing in the 2012  
9 Official Edition is hereby amended by adding the following new subsection (d)

10           (d) The construction manager at risk selected pursuant to this section by the public  
11 agency shall not indemnify and shall not be required by contract to indemnify the public agency  
12 or the designer for costs associated with errors or omissions in the work of the designer or  
13 modifications in design proposed or accepted by the public agency except to the extent such  
14 costs are established to be the proximate result of the acts or omissions of the construction  
15 manager at risk.