

HOUSE BILL 168

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0lr1228

By: **Delegates Rosenberg, Anderson, and Dumais**

Introduced and read first time: January 20, 2010

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Architectural or Engineering Services – Construction Industry – Indemnity**
3 **Agreements – Void**

4 FOR the purpose of providing that certain indemnity agreements relating to certain
5 architectural or engineering services are against public policy and are void and
6 unenforceable under certain circumstances; clarifying language; making
7 stylistic changes; providing for the application of this Act; and generally relating
8 to certain construction industry indemnity agreements.

9 BY repealing and reenacting, with amendments,
10 Article – Courts and Judicial Proceedings
11 Section 5–401(a)
12 Annotated Code of Maryland
13 (2006 Replacement Volume and 2009 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article – Courts and Judicial Proceedings**

17 5–401.

18 (a) **(1)** A covenant, promise, agreement, or understanding in, or in
19 connection with or collateral to, a contract or agreement relating to the
20 **ARCHITECTURAL OR ENGINEERING SERVICES FOR, OR THE** construction,
21 alteration, repair, or maintenance of, a building, structure, appurtenance or appliance,
22 including **INSPECTING, SURVEYING,** moving, demolition, and excavating connected
23 with **[it] THOSE SERVICES OR WORK,** purporting to indemnify the promisee against
24 liability for damages arising out of bodily injury to any person or damage to property
25 caused by or resulting from the sole negligence of the promisee or indemnitee, **[his] OR**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 THE agents or employees OF THE PROMISEE OR INDEMNITEE, is against public
2 policy and is void and unenforceable.

3 (2) This [section] SUBSECTION does not affect the validity of any
4 insurance contract, workers' compensation, or any other agreement issued by an
5 insurer.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
7 construed to apply only prospectively and may not be applied or interpreted to have
8 any effect on or application to any cause of action arising before the effective date of
9 this Act.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2010.