

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1887 Session of 2019

INTRODUCED BY DRISCOLL, STEPHENS, GALLOWAY, DeLUCA, HOHENSTEIN, ZABEL, CIRESI, HILL-EVANS, DiGIROLAMO, THOMAS, POLINCHOCK, TOEPEL, McNEILL, MUSTELLO, WARREN, BRIGGS, BULLOCK AND NEILSON, SEPTEMBER 25, 2019

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 17, 2020

AN ACT

1 Amending the act of July 9, 1970 (P.L.484, No.164), entitled "An
2 act relating to indemnification agreements between
3 architects, engineers or surveyors and owners, contractors,
4 subcontractors or suppliers," further providing for title of
5 act; and providing for indemnification agreements relative to
6 construction contracts-, INCLUDING AGREEMENTS FOR <--
7 ARCHITECTURAL, ENGINEERING OR LAND SURVEYING SERVICES.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. The title of the act of July 9, 1970 (P.L.484,
11 No.164), entitled "An act relating to indemnification agreements
12 between architects, engineers or surveyors and owners,
13 contractors, subcontractors or suppliers," is amended to read:

AN ACT

15 Relating to indemnification agreements between architects,
16 engineers or surveyors and owners, contractors,
17 subcontractors or suppliers[.] and indemnification agreements
18 relative to construction contracts-, INCLUDING AGREEMENTS FOR <--
19 ARCHITECTURAL, ENGINEERING OR LAND SURVEYING SERVICES.

1 Section 2. The act is amended by adding sections to read:

2 Section 1.1. Any provision or term in any construction
3 contract in which ~~an owner, contractor, subcontractor or~~ <--
4 ~~supplier or the A PARTY OR ITS agents or employes of the owner,~~ <--
5 ~~contractor, subcontractor or supplier shall be indemnified or,~~ <--
6 ~~held harmless OR INSURED for damages, claims, losses or expenses~~ <--
7 ~~arising out of bodily injury to persons or, damage to property~~ <--
8 ~~OR ECONOMIC DAMAGE caused by or resulting from the THAT PARTY'S~~ <--
9 ~~negligence, in whole or in part, of the owner, contractor,~~ <--
10 ~~subcontractor, supplier or the agents or employes of the owner,~~
11 ~~contractor, subcontractor or supplier,~~ shall be void as against
12 public policy and unenforceable.

13 Section 1.2. As used in this act, the term "construction
14 contract" means a covenant, agreement or understanding in, or in
15 connection with any contract or agreement made and entered into
16 by an owner, contractor, subcontractor or supplier or the agents
17 or employes of the owner, ARCHITECT, ENGINEER, LAND SURVEYOR, <--
18 contractor, subcontractor or supplier relative to the DESIGN, <--
19 construction, reconstruction, alteration, repair, maintenance,
20 servicing or security of a building, structure, highway,
21 railroad, appurtenance, LAND DEVELOPMENT or appliance. <--

22 Section 3. This act shall take effect in 60 days.