

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Buoniconti, Stephen (SEN)

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 bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Buoniconti, Stephen (SEN)	Hampden

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01855 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

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 SECTION 1: Section 29C of Chapter 149 of the 2004 Official Edition is hereby amended by
2 striking out the entire section and inserting in place thereof the following new section 29C:-

3 SECTION 29C. Any provision for or in connection with a contract or subcontract for construction,
4 reconstruction, installation, alteration, remodeling, repair, demolition or maintenance work, including
5 without limitation, excavation, backfilling or grading, on any building or structure, whether underground
6 or above ground, or on any real property, including without limitation any road, bridge, tunnel, sewer,
7 water or other utility line, which requires one party to indemnify or insure the other party, or anyone
8 identified in the contract or subcontract as an indemnitee or additional insured, for injury to persons or
9 damage to property to a greater extent than the proportion of said injury or damage proximately caused
10 by the negligence of the indemnitor is unfair, unenforceable and void. Any such indemnification or
11 insurance provision shall be interpreted to require indemnification or insurance only to the proportional

12 extent the negligence of the indemnitor, its agents or employees is a direct proximate cause of the
13 injury or damage.

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

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