

HOUSE BILL NO. HB0094

Construction contracts-indemnity provisions.

Sponsored by: Representative(s) Pownall, Lindholm, Pelkey and
Stith and Senator(s) Anderson

A BILL

for

1 AN ACT relating to construction contracts; limiting the
2 enforceability of indemnity related provisions in
3 construction contracts; specifying applicable law; providing
4 exceptions; specifying applicability; and providing for an
5 effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 1-23-108 is created to read:

10

11 **1-23-108. Construction contracts; indemnity**
12 **provisions; applicable law.**

13

1 (a) Except as otherwise provided in this section, a
2 provision in a construction contract is void and
3 unenforceable if the provision:

4

5 (i) Indemnifies an indemnitee from liability for
6 damages arising from any negligence or the intentional acts
7 or omissions of the indemnitee;

8

9 (ii) Requires a party to provide liability
10 coverage to another party for the other party's negligence or
11 the intentional acts or omissions of the other party.

12

13 (b) A construction contract may contain a provision
14 that:

15

16 (i) Indemnifies an indemnitee, or the agent,
17 employee or contractor of the indemnitee, from any negligence
18 arising from the negligence or the intentional acts or
19 omissions of the indemnitor;

20

21 (ii) Requires a person to purchase a project
22 insurance policy, including protective insurance, project
23 management liability insurance or builder's risk insurance.

1

2 (c) Nothing in this section shall be construed to
3 restrict indemnification of a surety on a construction
4 contract bond or to modify the obligation of an insurer to
5 its insured persons.

6

7 (d) All construction contracts relating to work that
8 takes place in Wyoming shall be governed by the laws of this
9 state.

10

11 (e) As used in this section:

12

13 (i) "Construction contract" means an agreement for
14 architectural services, alterations, construction,
15 demolition, design services, development, engineering
16 services, surveying services, excavation, maintenance, repair
17 or other services related to an improvement to real property,
18 including any agreement to supply labor, materials, fixtures,
19 furniture or equipment for an improvement to real property;

20

21 (ii) "Indemnify" means an agreement in which risk
22 is assigned to one (1) or more parties and includes agreements
23 to defend, hold harmless or insure from liability.

