

By Mr. Sullivan of Braintree, petition of Joseph C. Sullivan, Paul Kujawski and another for legislation to clarify indemnity responsibility for general contractors and subcontractors relative to public construction. State Administration.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT TO CLARIFY INDEMNITY RESPONSIBILITY FOR GENERAL CONTRACTORS AND SUBCONTRACTORS IN ALL 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 Chapter one hundred and forty-nine of the General Laws is
2 hereby amended by striking out section 29C and inserting in place
3 thereof the following new section: —

4 Section 29C. Any provision for or in connection with a contract
5 for construction, reconstruction, installation, alteration, remodel-
6 eling, repair, demolition or maintenance work, including without
7 limitation, excavation, backfilling or grading, on any building or
8 structure, whether underground or above ground, on any real
9 property, including without limitation any road, bridge, tunnel,
10 sewer, water or other utility line, which requires a subcontractor
11 to indemnify any party for injury to persons or damage to property
12 to the extent not caused by the subcontractor or its employees,
13 agents or subcontractors, shall be void, and, in any event, a sub-
14 contractor may be required to indemnify any party for injury to
15 persons or damage to property only to the extent such injury or
16 damage was caused by the subcontractor or its employees, agents
17 or subcontractors, and to no greater extent.

18 Any provision for or in connection with a contract for construc-
19 tion, reconstruction, installation, alteration, remodeling, repair,
20 demolition or maintenance work, including without limitation,
21 excavation, backfilling or grading, on any building or structure,
22 whether underground or above ground, or on any real property,

23 including without limitation any road, bridge, tunnel, sewer, water
24 or other utility line, which requires the general contractor to
25 indemnify any party for injury to persons or damage to property to
26 the extent not caused by the general contractor or its employee,
27 agents or subcontractors, shall be void, and, in any event, a
28 general contractor may be required to indemnify any party for
29 injury to persons or damage to property only to the extent such
30 injury or damage was caused by the general contractor or its
31 employees, agents or subcontractors and to no greater extent.