

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

SENATE BILL NO. 299
INTRODUCED BY B. GLASER

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A CONSTRUCTION CONTRACT PROVISION THAT REQUIRES ONE PARTY TO THE CONTRACT TO INDEMNIFY ANOTHER PARTY TO THE CONTRACT, OR THE OTHER PARTY'S OFFICERS, EMPLOYEES, OR AGENTS, FOR LIABILITY, DAMAGES, LOSSES, OR COSTS THAT ARE NOT CAUSED BY THE NEGLIGENCE, RECKLESSNESS, OR INTENTIONAL MISCONDUCT OF THE PARTY OR THE PARTY'S OFFICERS, EMPLOYEES, OR AGENTS IS VOID AS AGAINST THE PUBLIC POLICY OF THIS STATE; AND PROVIDING AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Indemnification contract provisions. (1) A construction contract may require one party to the contract to indemnify another party to the contract, or the other party's officers, employees, or agents, for liability, damages, losses, or costs, including but not limited to reasonable attorney fees, only to the extent that the liability, damages, losses, or costs are caused by the negligence, recklessness, or intentional misconduct of the party or the party's officers, employees, or agents.

(2) A construction contract provision that requires one party to the contract to indemnify another party to the contract, or the other party's officers, employees, or agents, for liability, damages, losses, or costs that are not caused by the negligence, recklessness, or intentional misconduct of the party or the party's officers, employees, or agents is void as against the public policy of this state.

NEW SECTION. Section 2. Codification instruction. [Section 1] is intended to be codified as an integral part of Title 28, chapter 2, part 21, and the provisions of Title 28, chapter 2, part 21, apply to [section 1].

NEW SECTION. Section 3. Applicability. [This act] applies to construction contracts entered into or renewed on or after October 1, 2001.

- END -