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HOUSE BILL NO. 1258

Offered January 19, 2010

A *BILL to amend and reenact § 11-4.1 of the Code of Virginia, relating to the validity of indemnification provisions in construction contracts.*

Patron—Albo

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:**1. That § 11-4.1 of the Code of Virginia is amended and reenacted as follows:**

§ 11-4.1. Certain indemnification provisions in construction contracts declared void.

A. Any provision contained in any contract *or in payment and performance bonds or other documents* relating to the construction, alteration, repair or maintenance of a building, structure or appurtenance thereto, including moving, demolition and excavation connected therewith, or any provision contained in any contract relating to the construction of projects other than buildings by which the contractor performing such work purports to indemnify or hold harmless another party to the contract against liability for damage arising out of bodily injury to persons or damage to property suffered in the course of performance of the contract, *to the extent any such damage is caused by or resulting solely results* from the negligence of such other party or his agents or employees, *or independent contractors of such other party*, is against public policy and is void and unenforceable. This section *also* applies to such contracts between contractors and any public body, as defined in § 2.2-4301.

B. Any provision in any contract subject to this section requiring the contractor performing such work to provide insurance coverage, or to name a party to the contract as an additional insured on a policy of insurance, for the purpose of providing coverage for indemnity prohibited under this section is against public policy and is void and unenforceable.

C. This section shall not otherwise affect the validity of any insurance contract, workers' compensation policy, any general agreements of indemnity required by sureties as a condition of execution of bonds for construction contracts, or any other agreement issued by an admitted insurer.

D. The provisions of this section shall not apply to any provision of any contract entered into prior to July 1, 1973.

INTRODUCED

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