

FIRST REGULAR SESSION

[P E R F E C T E D]

SENATE BILL NO. 224

90TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CASKEY.

Read 1st time January 11, 1999, and 1,000 copies ordered printed.

Read 2nd time January 20, 1999, and referred to the Committee on Civil and Criminal Jurisprudence.

Reported from the Committee February 11, 1999, with recommendation that the bill do pass.

Taken up for Perfection February 23, 1999. Bill declared Perfected and Ordered Printed, as amended.

S0642.01P

TERRY L. SPIELER, Secretary.

AN ACT

To amend chapter 434, RSMo, by adding thereto one new section relating to construction contracts.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 434, RSMo, is amended by adding thereto one new section, to be known as section 434.100, to read as follows:

434.100. 1. Except as provided in subsection 2 of this section, in any contract or agreement for public or private construction work, a party's covenant, promise or agreement to indemnify or hold harmless another person from that person's own negligence or wrong doing is void as against public policy and wholly unenforceable.

2. The provisions of subsection 1 of this section shall not apply to:

(1) A party's covenant, promise or agreement to indemnify or hold harmless another person from the party's own negligence or wrong doing or the negligence or wrong doing of the party's subcontractors and suppliers of any tier;

(2) A party's promise to cause another person or entity to be covered as an insured or additional insured in an insurance contract;

(3) A contract or agreement between state agencies or political subdivisions or between such governmental agencies;

(4) A contract or agreement between a private person and such governmental

entities for the use or operation of public property or a public facility;

(5) A contract or agreement with the owner of the public property for the construction, use, maintenance or operation of a private facility when it is located on such public property;

(6) A permit, authorization or contract with such governmental entities for the movement of property on the public highways, roads or streets of this state or any political subdivision;

(7) Construction bonds, or insurance contracts or agreements;

(8) An agreement containing a party's promise to indemnify, defend or hold harmless another person, if the agreement also requires the party to obtain specified limits of insurance to insure the indemnity obligation and the party had the opportunity to recover the cost of the required insurance in its contract price; provided, however, that in such case the party's liability under the indemnity obligation shall be limited to the coverage and limits of the required insurance; or

(9) Railroads regulated by the Federal Railroad Administration.

3. For the purposes of this section, "construction work" shall include, but not be limited to, the construction, alteration, maintenance or repair of any building, structure, highway, bridge, viaduct, or pipeline, or demolition, moving or excavation connected therewith, and shall include the furnishing of surveying, design, engineering, planning or management services, or labor, materials or equipment, in connection with such work.

4. The provisions of this section shall apply only to contracts or agreements entered into after the effective date of this section.

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