

Amend **CSHB 4** by inserting a new ARTICLE to read as follows and appropriately renumbering subsequent ARTICLES:

ARTICLE _____. CERTAIN PROVISIONS IN CONTRACTS

SECTION _____.01. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 145 to read as follows:

CHAPTER 145. CERTAIN PROVISIONS IN CONTRACTS

Sec. 145.001. APPLICABILITY. This chapter applies to a contract.

Sec. 145.002. AGREEMENT VOID AND UNENFORCEABLE. A provision, promise, understanding, or covenant contained in, collateral to, or affecting a contract is void and unenforceable to the extent that it provides or purports to provide to the indemnitee defense or indemnity, or both, against loss or liability that:

(1) is caused by or results from the sole or concurrent negligence, including strict liability, of the indemnitee, an agent or employee of the indemnitee, or an independent contractor directly responsible to the indemnitee; and

(2) arises or results from:

(A) death or bodily injury to a person;

(B) damage to property;

(C) a fine, penalty, administrative action, or other action by a governmental entity; or

(D) any other loss, damage, or expense that arises from an occurrence described by Paragraph (A), (B), or (C).

Sec. 145.003. WAIVER PROHIBITED. The provisions of this chapter may not be waived by contract or otherwise.

Sec. 145.004. APPLICABILITY OF OTHER LAW. This chapter prevails over any other law that conflicts with or is inconsistent with this chapter.

SECTION _____.02. (a) This article applies to:

(1) a contract entered into or renewed on or after the effective date of this article; and

(2) any specific, terminable performance of a specific job or activity begun under a contract after the effective date of this article regardless of whether the contract was entered into or

renewed before the effective date of this article.

(b) A contract entered into or renewed before the effective date of this article and any job or activity under the contract begun before the effective date of this article is governed by the law in effect immediately before the effective date of this article, and that law is continued in effect for that purpose.