

By: West

H.B. No. 3076

A BILL TO BE ENTITLED

AN ACT

relating to indemnification in certain construction contracts.

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

SECTION 1. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 145 to read as follows:

CHAPTER 145. INDEMNITY PROVISIONS IN CONSTRUCTION CONTRACTS

Sec. 145.001. DEFINITION. In this chapter, "construction contract" means a contract or agreement made and entered into by an owner, contractor, subcontractor, or supplier concerning the construction, alteration, repair, or maintenance of a building, structure, appurtenance, or other improvement to or on real property, including moving, demolition, and excavation connected with the real property.

Sec. 145.002. AGREEMENT VOID AND UNENFORCEABLE. A covenant, promise, agreement, or understanding contained in a construction contract, or in an agreement collateral to or affecting a construction contract, is void and unenforceable if it indemnifies, holds harmless, or defends a person, other than a governmental entity, against loss or liability for damage that is caused by or results from the sole or concurrent negligence of the indemnitee, its agent or employee, or an independent contractor, other than the indemnitor, directly responsible to the indemnitee.

Sec. 145.003. WAIVER PROHIBITED. This chapter may not be waived by contract or otherwise.

1 SECTION 2. (a) This Act takes effect September 1, 2003.

2 (b) The changes in law made by this Act apply only to
3 liability for an act of negligence under a contract entered into on
4 or after the effective date of this Act. Liability for an act of
5 negligence under a contract entered into before the effective date
6 of this Act is governed by the law applicable to the contract
7 immediately before the effective date of this Act, and that law is
8 continued in effect for that purpose.