

## HOUSE BILL NO. HB0094

Construction contracts-indemnity provisions.

Sponsored by: Representative(s) Pownall, Lindholm and Stith  
and Senator(s) Anderson

A BILL

for

1 AN ACT relating to construction contracts; limiting the  
2 enforceability of indemnity related provisions in  
3 construction contracts; providing exceptions; specifying  
4 applicability; and providing for an effective date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 1-23-108 is created to read:

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10 **1-23-108. Construction contracts; indemnity**  
11 **provisions.**

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13 (a) Except as otherwise provided in subsections (c) and  
14 (d) of this section, a provision in a construction contract  
15 is void and unenforceable if it indemnifies, defends, holds

1 harmless or insures the indemnitee from or against liability  
2 for damages arising from the sole or concurrent negligence or  
3 intentional acts or omissions of the indemnitee.

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5 (b) A provision in a contract that requires a party to  
6 provide liability coverage to another party, as an additional  
7 insured, for the other party's negligence or for intentional  
8 acts or omissions is void and unenforceable.

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10 (c) A construction contract may contain a provision  
11 that:

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13 (i) Indemnifies, defends, holds harmless or  
14 insures the indemnitee from or against liability for damages  
15 arising from the sole or concurrent negligence or intentional  
16 acts or omissions of the indemnitor;

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18 (ii) Requires a person to purchase a project  
19 specific insurance policy, including protective insurance,  
20 project management protective liability insurance or  
21 builder's risk insurance.

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1           (d) Nothing in this section shall be construed to  
2 prohibit the indemnity of a surety by a principal on a  
3 construction contract bond or to otherwise modify an  
4 insurer's obligation to its insureds.

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6           (e) As used in this section:

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8                   (i) "Construction contract" means an agreement for  
9 architectural services, alterations, construction,  
10 demolition, design services, development, engineering  
11 services, excavation, maintenance, repair or other services  
12 related to an improvement to real property, including any  
13 agreement to supply labor, materials or equipment for an  
14 improvement to real property;

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16                   (ii) "Indemnitee" includes an agent of the  
17 indemnitee and employees and independent contractors who are  
18 directly responsible to the indemnitee;

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20                   (iii) "Indemnitor" includes an agent of the  
21 indemnitor and employees and independent contractors who are  
22 directly responsible to the indemnitor.

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1           **Section 2.** This act applies to contracts entered into  
2 or renewed on or after July 1, 2019.

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4           **Section 3.** This act is effective July 1, 2019.

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(END)