

CHAPTER 156**(HB 449)**

AN ACT relating to indemnification.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

SECTION 1. A NEW SECTION OF KRS CHAPTER 371 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section:*

(a) *"Construction services contract" means:*

- 1. *A contract or agreement relating to the construction, alteration, repair, addition to, subtraction from, improvement to, or maintenance of any building, highway, road, railroad, excavation, or other structure, project, development, or improvement attached to real estate, including moving and demolition connected therewith; or***
- 2. *A contract or agreement relating to the planning, design, administration, study, evaluation, consulting, or other professional and technical support services provided in connection with any of the work or activities described in subparagraph 1. of this subsection.***

(b) *"Contractor" means the person offering a contract for services provided.*

(c) *"Contractee" means the person providing services under a contract.*

- (2) *Any provision contained in any construction services contract purporting to indemnify or hold harmless a contractor from that contractor's own negligence or from the negligence of his or her agents, or employees is void and wholly unenforceable.***
- (3) *This section does not apply to construction bonds or affect the validity of insurance contracts.***
- (4) *This section does not affect contracts or agreements entered into before the effective date of this Act.***

Approved March 18, 2005.