S T A T E   O F   N E W   Y O R K
_____

S. 3183   A. 5026

                        2011-2012 Regular Sessions

                        S E N A T E - A S S E M B L Y

                             February 10, 2011
                             _____

IN SENATE -- Introduced by Sen. DeFRANCISCO -- read twice and ordered
  printed, and when printed to be committed to the Committee on Judici-
  ary

IN ASSEMBLY -- Introduced by M. of A. CUSICK -- read once and referred
  to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to indemnifica-
  tion agreements relating to construction projects

  THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

 1   Section 1. Subdivision 1 of section 5-322.1 of the general obligations
 2 law, as amended by chapter 67 of the laws of 1993, is amended to read as
 3 follows:
 4   1. A covenant, promise, agreement or understanding in, or in
 5 connection with or collateral to a contract or agreement relative to the
 6 construction, alteration, repair or maintenance of a building, struc-
 7 ture, appurtenances and appliances including moving, demolition and
 8 excavating connected therewith, purporting to indemnify or hold harmless
 9 the promisee against liability for damage arising out of bodily injury
10 to persons or damage to property NOT contributed to, caused by or
11 resulting from the negligence OR OTHER CULPABLE ACT of the [promisee,
12 his] PROMISOR, ITS agents [or], employees, SUBCONTRACTORS or [indemni-
13 tee, whether such negligence be in whole or in part,] VENDORS is against
14 public policy and is void and unenforceable; provided that this section
15 shall not affect the validity of any insurance contract, workers'
16 compensation agreement or other agreement issued by an admitted insurer.
17 [This subdivision shall not preclude a promisee requiring indemnifica-
18 tion for damages arising out of bodily injury to persons or damage to
19 property caused by or resulting from the negligence of a party other
20 than the promisee, whether or not the promisor is partially negligent.]
21   S 2. This act shall take effect on the thirtieth day after it shall
22 have become a law.

     EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
                     [ ] is old law to be omitted.
                                                         LBD00504-01-1