

S. 6606

A. 8747

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

February 12, 2014

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

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 the invalidity of additional insurance provisions

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 contributed to, caused by or resulting  
11    from the negligence of the promisee, his agents or employees, or indem-  
12    nitee, whether such negligence be in whole or in part, is against public  
13    policy and is void and unenforceable; provided that this section shall  
14    not affect the validity of any insurance contract, workers' compensation  
15    agreement or other agreement issued by an admitted insurer; PROVIDED  
16    FURTHER, THAT A PROVISION IN A CONSTRUCTION CONTRACT THAT REQUIRES THE  
17    PURCHASE OF ADDITIONAL INSURED COVERAGE, OR ANY COVERAGE ENDORSEMENT, OR  
18    PROVISION WITHIN AN INSURANCE POLICY PROVIDING ADDITIONAL INSURED COVER-  
19    AGE, IS VOID AND UNENFORCEABLE TO THE EXTENT THAT IT REQUIRES OR  
20    PROVIDES COVERAGE, THE SCOPE OF WHICH IS PROHIBITED UNDER THIS SUBDIVI-  
21    SION. This subdivision shall not preclude a promisee requiring indemni-  
22    fication for damages arising out of bodily injury to persons or damage  
23    to property caused by or resulting from the negligence of a party other  
24    than the promisee, whether or not the promisor is partially negligent.

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

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1       S   2.   This   act shall take effect on the thirtieth day after it shall  
2 have become a law and shall apply only to any covenants, promises,  
3 agreements or understandings in, or in connection with or collateral to  
4 a contract or agreement entered into on or after such date.