STATE OF NEW YORK

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3240

2017-2018 Regular Sessions

IN SENATE

January 20, 2017
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Introduced by Sen. DeFRANCISCO -- read twice and ordered printed, and
   when printed to be committed 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   § 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.