

HOUSE BILL No. 2007

By Representative Watkins

12-16

10 AN ACT concerning contracts; relating to indemnification provisions and
11 additional insured parties; amending K.S.A. 2006 Supp. 16-121 and
12 repealing the existing section.

13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2006 Supp. 16-121 is hereby amended to read as
16 follows: 16-121. (a) When used in this section:

17 ~~(1) "Construction contract" means an agreement for the design, con-~~
18 ~~struction, alteration, renovation, repair or maintenance of a building,~~
19 ~~structure, highway, road, bridge, water line, sewer line, oil line, gas line,~~
20 ~~appurtenance or other improvement to real property, including any mov-~~
21 ~~ing, demolition or excavation, except that no deed, lease, easement, li-~~
22 ~~cence or other instrument granting an interest in or the right to possess~~
23 ~~property shall be deemed to be a construction contract even if the in-~~
24 ~~strument includes the right to design, construct, alter, renovate, repair or~~
25 ~~maintain improvements on such real property.~~

26 ~~(2)~~ (1) "Damages" means personal injury damages, property damages
27 or economic loss.

28 ~~(3)~~ (2) "Indemnification provision" means a covenant, promise,
29 agreement, *clause* or understanding in connection with, *contained in or*
30 *collateral to*, a ~~construction~~ contract that requires the promisor to hold
31 harmless, indemnify or defend the promisee or others against liability for
32 *loss or damages*.

33 (3) "Indemnitee" shall include an agent, employee or independent
34 contractor who is directly responsible to the indemnitee.

35 (b) An indemnification provision in a ~~construction~~ contract or other
36 agreement, ~~including, but not limited to, a right of entry, entered into in~~
37 ~~connection with a construction contract~~, which requires the indemnitor
38 to indemnify the indemnitee for the indemnitee's negligence or *inten-*
39 *tional acts or omissions* is against public policy and is void and
40 unenforceable.

41 (c) ~~This act shall not be construed to affect or impair the contractual~~
42 ~~obligation of a contractor or owner to provide railroad protective insur-~~
43 ~~ance or general liability insurance. A provision in a contract or other~~

1 *agreement which requires a party to provide liability coverage to another*
2 *party as an additional insured for such other party's own negligence or*
3 *intentional acts or omissions is against public policy and is void and unen-*
4 *forceable.*

5 (d) This section applies only to ~~indemnification~~ contract provisions
6 entered into after the act takes effect.

7 Sec. 2. K.S.A. 2006 Supp. 16-121 is hereby repealed.

8 Sec. 3. This act shall take effect and be in force from and after its
9 publication in the statute book.