

CHAPTER 70
HOUSE BILL No. 2154*

AN ACT concerning construction contracts; relating to indemnification provisions.

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

Section 1. (a) When used in this section:

(1) "Construction contract" means an agreement for the design, construction, alteration, renovation, repair or maintenance of a building, structure, highway, road, bridge, water line, sewer line, oil line, gas line, appurtenance or other improvement to real property, including any moving, demolition or excavation, except that no deed, lease, easement, license or other instrument granting an interest in or the right to possess property shall be deemed to be a construction contract even if the instrument includes the right to design, construct, alter, renovate, repair or maintain improvements on such real property.

(2) "Damages" means personal injury damages, property damages or economic loss.

(3) "Indemnification provision" means a covenant, promise, agreement or understanding in connection with a construction contract that requires the promisor to hold harmless, indemnify or defend the promisee or others against liability for damages.

(b) An indemnification provision in a construction contract or other agreement, including, but not limited to, a right of entry, entered into in connection with a construction contract, which requires the indemnitor to indemnify the indemnitee for the indemnitee's negligence is against public policy and is void and unenforceable.

(c) This act shall not be construed to affect or impair the contractual obligation of a contractor or owner to provide railroad protective insurance or general liability insurance.

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

Sec. 2. This act shall take effect and be in force from and after its publication in the statute book.

Approved April 14, 2004.
