

**HOUSE BILL NO. 353**

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - SECOND SESSION

**BY REPRESENTATIVE GREEN**

**Introduced: 12/29/95**

**Referred: Judiciary, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to contractual limitation of civil liability for design defects; and**  
2 **providing for an effective date."**

3 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

4 **\* Section 1.** AS 45.45.900 is amended to read:

5           Sec. 45.45.900. INDEMNIFICATION AGREEMENTS AGAINST PUBLIC  
6 POLICY. A provision, clause, covenant, or agreement contained in, collateral to, or  
7 affecting a construction contract that purports to indemnify the promisee against  
8 liability for damages for (1) death or bodily injury to persons, (2) injury to property,  
9 (3) design defects, or (4) other loss, damage, or expense arising under (1), (2), or (3)  
10 of this section from the sole negligence or wilful misconduct of the promisee or the  
11 promisee's agents, servants, or independent contractors who are directly responsible  
12 to the promisee, is against public policy and is void and unenforceable; however, this  
13 provision does not affect the validity of a [AN INSURANCE] contract [WORKERS'  
14 COMPENSATION,] or agreement issued by an insurer subject to the provisions of

1 AS 21; [, OR] a provision, clause, covenant, or agreement of indemnification  
2 respecting the handling, containment, or cleanup of oil or hazardous substances as  
3 defined in AS 46; or a provision in a construction contract under which the  
4 parties agree to allocate or limit liability for design defects.

5 \* **Sec. 2.** This Act applies to a contract that is entered into or renewed on or after the  
6 effective date of this Act.

7 \* **Sec. 3.** This Act takes effect July 1, 1996.