

Original sponsor: Bowman and Brown

Offered: 5/17/75
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 105 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to hold harmless agreements,"

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

8 * Section 1. AS 45 is amended by adding a new chapter to read:

9 CHAPTER 47. HOLD HARMLESS AGREEMENTS.

10 Sec. 45.47.010. PURPOSES AND RULES OF CONSTRUCTION. The under-
11 lying purposes and policies of this chapter are to

12 (1) simplify and clarify the law concerning the enforceability
13 of hold harmless agreements;

14 (2) promote equitable contractual relationships between
15 persons;

16 (3) facilitate the administration and enforcement of the
17 negligence laws of the state;

18 (4) promote the public policy that all wronged persons should
19 have a remedy for injury suffered by a result of another person's neg-
20 ligence;

21 (5) void agreements negating responsibility for a person's
22 own negligence.

23 Sec. 45.47.020. UNENFORCEABILITY OF HOLD HARMLESS AGREEMENTS. A
24 provision, contained in any agreement that is not principally or pri-
25 marily a contract of indemnity or insurance, by which a party to the
26 agreement agrees to indemnify the indemnitee, or the agents or employees
27 of the indemnitee, against liability, claims, damages, losses or ex-
28 penses, including attorney fees, arising out of bodily injury to persons
29 or damage to property caused by, or resulting from, in whole or in part,

1 the negligence, act or omission of the indemnitee, or a legal entity for
2 whose negligence, acts, or omissions any of them may be liable, is
3 against public policy and is void and unenforceable.

4 Sec. 45.47.030. DEFINITIONS. In this chapter "agreement" includes
5 but is not limited to all contracts, leases, bailments, deeds, notes,
6 trusts, negotiable instruments, mortgages, options, real estate trans-
7 lations, security documents, and financing statements.
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