

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) am
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 the sole negligence

1 or wilful misconduct of the indemnitee, or the indemnitee's agents,
2 employees or servants, is against public policy and is void and un-
3 enforceable.

4 Sec. 45.47.030. EXEMPTIONS. (a) This chapter shall not be
5 construed as prohibiting any party to a contract from agreeing to pro-
6 vide insurance coverage for the benefit and protection of any other
7 party, and shall not render void covenants, promises, or conditions
8 under which such party has agreed to provide such coverage.

9 (b) Nothing in this chapter shall prevent a party to a construc-
10 tion contract and the owner or other party for whose account the con-
11 struction contract is being performed, from agreeing with respect to
12 the allocation or limitation as between the parties, of any liability
13 for design defects.

14 (c) Nothing in this chapter shall prevent a contractor responsible
15 for the performance of a construction contract from indemnifying fully
16 a person, firm, corporation, state or other agency for whose account the
17 construction contract is not being performed but who, as an accommoda-
18 tion, enters into an agreement with the contractor permitting such
19 contractor to enter upon or adjacent to his property for the purpose of
20 performing such construction contract for others.

21 Sec. 45.47.040. DEFINITIONS. In this chapter "agreement" includes
22 but is not limited to all contracts, leases, bailments, deeds, notes,
23 trusts, negotiable instruments, mortgages, options, real estate trans-
24 actions, security documents, and financing statements.
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