

1 IN THE SENATE

BY MILLER

2 SENATE BILL NO. 108

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "Uniform Hold Harmless Act."

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. (a) The
11 underlying 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 at law or an equity for injury suffered by a result of
20 another person's negligence;

21 (5) outlaw persons negating responsibility for their own
22 negligence by contractual agreements.

23 (b) This chapter shall be liberally construed and applied to
24 promote its underlying purposes and policies.

25 Sec. 45.47.020. UNENFORCEABILITY OF HOLD HARMLESS AGREEMENTS. (a)
26 A provision, contained in an agreement, by which a party to the agreement
27 agrees to indemnify the indemnitee, or the agents or employees of the
28 indemnitee, against liability, claims, damages, losses or expenses,
29 including attorney fees, arising out of bodily injury to persons or

1 damage to property caused by, or resulting from, in whole or in part,
2 the negligence, act or omission of the indemnitee, or a legal entity for
3 whose negligence, acts, or omissions any of them may be liable, is
4 against public policy and is void and unenforceable.

5 (b) This chapter applies to all contracts executed or performed
6 in the state including but not limited to all contracts executed or
7 performed before enactment of this chapter.

8 Sec. 45.47.030. SEVERABILITY. If provision of this Act or its
9 application to a person or circumstances is held invalid, the invalidity
10 does not affect other provisions or applications of the Act which can
11 be given effect without the invalid provision or application and to
12 this end the provisions of this Act are severable.

13 Sec. 45.47.040. DEFINITIONS. In this chapter "agreement" includes
14 but is not limited to all contracts, leases, bailments, deeds, notes,
15 trusts, negotiable instruments, mortgage, options, real estate trans-
16 lations, security documents, financing statements, and insurance.

17 Sec. 45.47.050. SHORT TITLE. This chapter may be cited as the
18 Hold Harmless Act.
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