

# Chapter 656

(House Bill 168)

AN ACT concerning

## **Architectural ~~or~~, Engineering, Inspecting, or Surveying Services – ~~Construction Industry~~ – Indemnity Agreements – Void**

FOR the purpose of providing that certain indemnity agreements relating to certain architectural ~~or~~, engineering, inspecting, or surveying services are against public policy and are void and unenforceable under certain circumstances; providing that certain provisions of law do not affect the validity of a certain indemnity agreement; clarifying language; making stylistic changes; providing for the application of this Act; and generally relating to certain ~~construction industry~~ indemnity agreements.

BY repealing and reenacting, with amendments,  
Article – Courts and Judicial Proceedings  
Section 5–401(a)  
Annotated Code of Maryland  
(2006 Replacement Volume and 2009 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

### **Article – Courts and Judicial Proceedings**

5–401.

(a) (1) A covenant, promise, agreement, or understanding in, or in connection with or collateral to, a contract or agreement relating to ~~the ARCHITECTURAL OR ENGINEERING SERVICES FOR ARCHITECTURAL, ENGINEERING, INSPECTING, OR SURVEYING SERVICES, OR THE~~ construction, alteration, repair, or maintenance of, a building, structure, appurtenance or appliance, including ~~INSPECTING, SURVEYING,~~ moving, demolition, and excavating connected with [it] **THOSE SERVICES OR THAT WORK**, purporting to indemnify the promisee against liability for damages arising out of bodily injury to any person or damage to property caused by or resulting from the sole negligence of the promisee or indemnitee, [his] **OR THE** agents or employees **OF THE PROMISEE OR INDEMNITEE**, is against public policy and is void and unenforceable.

(2) This [section] **SUBSECTION** does not affect the validity of any insurance contract, workers' compensation, ANY GENERAL INDEMNITY AGREEMENT

**REQUIRED BY A SURETY AS A CONDITION OF EXECUTION OF A BOND FOR A CONSTRUCTION OR OTHER CONTRACT,** or any other agreement issued by an insurer.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any cause of action arising before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

**Approved by the Governor, May 20, 2010.**